Pamphlet 3

MISSISSIPPI
ADVANCE SHEETS

2019 Legislative Session
General Laws

LexisNexis

MISSISSIPPI GENERAL LAWS ADVANCE SHEETS

2019

Regular Session

TABLE OF CONTENTS

Page

Preface .... **III**

Summary of Acts .... **VII**

Legislative Summaries .... **IX**

Table of Code Sections Affected **T-1**

Text of General Laws **1**

Index **I-1**

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PREFACE

Contents; publication schedule.

The 2019 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated,* and consist of a series of pamphlets issued during the 2019 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2019 Regular Session. This pamphlet, the third in the series, contains the third 35 general bills signed by the Governor. The fourth pamphlet will contain the remainder of the acts from the 2019 Regular Session. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 3 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code.*

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the Code;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading “Background Information”
  - “VRA” = Voting Rights Act
  - “App. Req.” = Approval Required
- Under the heading “Code Sections”
  - “A” = Amended
  - “R” = Reenacted
  - “RA” = Reenacted and Amended
  - “RP” = Repealed
  - “BF” = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated.*

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher’s staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2019 Legislative Session.

Any such changes will be reflected in the 2019 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

PREFACE

Information, suggestions, comments, and questions.

Visit the LexisNexis website at http://www.lexisnexis.com to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 701 E Water St., Charlottesville, Virginia 22902-5389.

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Summary of Acts

HB/SB		Page
HB0150	Mississippi Dyslexia Forgivable Loan Program; clarify type of service committee to qualify for.	1
HB0444	Windstorm Underwriting Association; authorize to levy recoupable and nonrecoupable assessments.	10
HB0578	Teacher and administrator licenses; clarify grounds for disciplinary action and reinstatement.	47
HB0698	Construction contracts; allow public entities to allocate additional funds to project budget.	76
HB0740	MS State Oil and Gas Board; remove from the provisions of the MS Budget Transparency and Simplification Act.	80
HB0779	Transportation funds; revise provisions regarding.	97
HB0904	Third Circuit Court District; remove residency requirements for judicial office.	107
HB0940	Consigned motor fuels; provide crime for theft of.	110
HB0961	Department of Mental Health; authorize to transfer and convey certain real property to Board of Supervisors of Tate County, MS.	117
HB0980	Agencies; delete provision that contractual obligations of shall be considered as incurred in fiscal period to be paid.	126
HB1065	Income tax; authorize a job tax credit for certain water transportation enterprises.	131
HB1247	Community college districts boards of trustees; remove requirement for automatic appointment of county superintendent of education to serve on.	137
HB1249	Group health insurance; allow local governing authorities to pay employee's benefits for dependents.	147
HB1283	The “Mississippi School Safety Act of 2019”; enact.	152
HB1307	Land sold for nonpayment of ad valorem taxes; sale is voidable at option of owner if chancery clerk fails to send required notice.	174
HB1352	Criminal Justice Reform Act; create.	178
SB2012	Lien for burn care; delete repeal clause.	274
SB2049	College tuition; spouses and children of U.S. Armed Forces members may keep in-state residency classification throughout enrollment.	283
SB2053	Institutions of higher learning/community colleges; require the award of educational credits for military training or service.	289
SB2272	Mississippi Development Authority; revise reimbursement procedure to allow across funds and administered programs.	292
SB2282	Mississippi Ports Improvements Fund; create.	354
SB2305	Human trafficking; increase certain penalties.	360
SB2328	Forensic Mental Health Act of 2019; create.	367
SB2491	Drug courts; revise time frame of recertification.	411
SB2541	Budget process; bring forward various sections relating to.	419
SB2561	Domestic abuse protection orders; revise appellate procedure.	444

SUMMARY OF ACTS

HB/SB		Page
SB2570	Distinctive motor vehicle license tag; revise persons eligible to be issued the Gold Star license tag.	459
SB2576	Fraudulent reports; Child Protection Services may divulge information under certain circumstances.	595
SB2604	Variable rate refunding bonds; delete requirement that issuance must result in 2% saving over the bonds being refunded.	619
SB2744	Caller ID Anti-Spoofing Act; conform to federal law and revise penalties.	623
SB2770	Teachers' salaries; provide for $1,500.00 increase.	631
SB2781	Mississippi Fresh Start Act; create to require the revision of licensing restrictions based on criminal records.	650
SB2821	Mississippi Telephone Solicitation Act; revise to include text messages and solicitations for charitable contributions.	658
SB2827	County Elected Officials Compensation and Fees Task Force; create.	668
SB2828	GAP (Guard and Protect vulnerable children and adults) Act; revise guardianship and conservatorship laws.	712

LEGISLATIVE SUMMARIES

of important legislation enacted during

2019 Legislative Session

of the

State of Mississippi

ABORTION

Abortion prohibition when fetal heartbeat detectable. **SB 2116**

BROADBAND ENABLING ACT

Electric cooperatives, establishment of broadband affiliates. **HB 366**

COMMERCIAL SEXUAL EXPLOITATION

Protection of victims of commercial sexual exploitation or human trafficking. **HB 571**

CONSERVATORSHIPS

Mississippi guardianship and conservatorship act enacted. **SB 2828**

COUNTIES

County authorized to pay cost of additional group life and health insurance benefits for county employees. **HB 1249**

CRIMINAL JUSTICE REFORM ACT

Creates intervention courts, allows for collection of costs, fines and fees by court in lieu of drivers' license suspension, expungement of certain records and opts out of federal restrictions on SNAP eligibility for drug offenders. **HB 1352**

DENTISTS AND DENTISTRY

Dental care benefits plans, establishment of appeal procedures for claims denied for lack of medical necessity. **HB 752**

DISABILITIES, INDIVIDUALS WITH

Corporal punishment prohibited on students with disabilities. **HB 1182**

ELECTIONS

County boards of supervisors prohibited from making changes to precinct boundaries, pending a statewide redistricting plan for legislative districts. **HB 914**

Judicial elections, moving qualifying deadline for candidates. **SB 2916**

Runoff elections for county boards of education or municipal separate school district board of trustees. **HB 654**

ELECTRONIC PAYMENT CARDS

Possession with intent to defraud of a credit card skimmer. **SB 2445**

EMPLOYMENT RELATIONS

Sex offenders having direct contact with minors in course of employment or contract services to notify employer, who is to provide notice to parent or guardian of minor. **SB 2532**

LEGISLATIVE SUMMARIES

ENDOW MISSISSIPPI PROGRAM

Tax credit established for charitable gifts to endowed funds held by community foundations. **SB 2210**

FETAL HEARTBEAT

Abortion prohibition when fetal heartbeat detectable. **SB 2116**

FIREARMS AND OTHER WEAPONS

Courthouse and courtroom defined for purposes of concealed carry laws. **HB 1581**

FOOD AND FOOD PRODUCTS

Products not to be labeled as meat or a meat food product to include plant-based products, insect-based products, or products containing animal tissue from animal cell cultures outside of the organism from which it is derived. **SB 2922**

FORGERY AND COUNTERFEITING

Penalties for forgery and counterfeiting of foreign currency. **SB 2470**

FRESH START ACT OF 2019

Provides that person not be disqualified for professional and occupational licensing for conviction of certain crimes. **SB 2781**

GUARDIANSHIPS

Mississippi guardianship and conservatorship act enacted. **SB 2828**

HUMAN TRAFFICKING

Penalty revised for trafficking of a minor. **SB 2305**

Protection of victims of commercial sexual exploitation or human trafficking. **HB 571**

INCOME TAX

Water transportation enterprises allowed an income tax credit for job creation. **HB 1065**

INSURANCE COMPANIES

Audit of financial statements of insurers, definition and requirements of internal audit function. **HB 323**

Corporate governance annual disclosure law enacted. **HB 324**

Health insurer delay in payment of claims, payee entitled to damages when insurer acting in bad faith. **HB 628**

Insurance data security law enacted to require insurance licensees to maintain and information security program, and to enact requirements for a cybersecurity event. **SB 2831**

INSURANCE PRODUCERS

Self-storage limited line insurance, establishment of limited license in. **HB 630**

ISRAEL SUPPORT ACT OF 2019

Restrictions of investment with companies on list of scrutinized companies that boycott Israel. **HB 761**

LEGISLATIVE SUMMARIES

LANDLORD AND TENANT

Types of cases when warrant for removal of tenant may issue to include eviction of hold over tenant and nonpayment of rent. **SB 2716**

LANDOWNERS PROTECTION ACT

Enacted to establish limitations of liability in premises-liability actions. **SB 2901**

LOCAL GOVERNMENT DEBT COLLECTION SETOFF ACT

Enactment of provisions to establish procedures for setting off debts owed to local government against tax refunds. **HB 991**

MENTAL HEALTH

Criminal defendants, providing for mental examinations to determine competency, commitment and treatment of certain defendants. **SB 2328**

Criminal justice reform act creates intervention courts. **HB 1352**

MISSISSIPPI SCHOOL SAFETY ACT OF 2019

Provides for active shooter drills, threat assessment officers, behavioral and mental health training and screenings, and establishes the Mississippi analysis and information center (MSAIC fusion center) in the office of homeland security. **HB 1283**

MOTOR VEHICLES AND TRAFFIC

Highway work zones, providing for penalties for operation of vehicle in careless, imprudent or reckless manner and causing property damage, serious injury or death of another. **HB 580**

Sales tax exemption when vehicle transferred between siblings. **SB 2229**

Unlawful acts by manufacturers expanded to include coercion of dealers regarding facilities and purchases, and requiring manufacturers to compensate dealers for parts and labor for recall repairs. **HB 872**

PHARMACISTS AND PHARMACIES

Criminal records checks required for licensure of chain pharmacy warehouses, wholesale distributors, and repackagers. **HB 1226**

Prescriptions for biological products and selection of interchangeable biological products, requirements. **SB 2365**

PROFESSIONAL LICENSING

Fresh start act of 2019 provides that person not be disqualified for professional and occupational licensing for conviction of certain crimes. **SB 2781**

PROTECTION ORDERS

Domestic abuse orders effectiveness and applicability extended to all states, U.S. territories and tribal lands. **SB 2561**

PUBLIC OFFICERS AND EMPLOYEES

Conviction of misuse or misappropriation of funds, effect on future office-holding or election. **SB 2237**

LEGISLATIVE SUMMARIES

SCHOOLS AND EDUCATION

Better sight for better learning program, requires eye examination for child whose eye screening indicated a need. **HB 1322**

Corporal punishment prohibited on students with disabilities. **HB 1182**

Juvenile detention facilities, responsibilities of home school district and sponsoring school district to provide educational services for students. **SB 2449**

Mississippi school of the arts (MSA) employees are transferred from the state personnel board to a status as employees of MSA. **SB 2625**

Mississippi school safety act of 2019 enacted, to provide for active shooter drills, threat assessment officers, and behavioral and mental health training and screenings. **HB 1283**

SELF-STORAGE LIMITED LINE INSURANCE

Establishment of limited license for insurance producers. **HB 630**

SEX OFFENDERS

Offenders having direct contact with minors in course of employment or contract services to notify employer, who is to provide notice to parent or guardian of minor. **SB 2532**

SKIMMERS

Possession with intent to defraud of a credit card skimmer. **SB 2445**

SPECIAL LIENS ON PROPERTY

Private project construction bonds, creating right of action on. **HB 869**

SPORTS TEAMS

Physicians traveling with sports teams for sporting events conducted in state, exemption from certain licensure requirements. **HB 977**

TAX EXEMPT ORGANIZATIONS

Endow Mississippi program establishes a tax credit for charitable gifts to endowed funds held by community foundations. **SB 2210**

Public agencies may not require a nonprofit organization to provide personal information of members, supporters, volunteers or donors. **HB 1205**

TEACHERS

Controversies regarding licensure, procedure for hearings regarding, and procedures for reinstatement of teacher after disciplinary action. **HB 578**

TERRORISTIC THREATS LAW

Criminal offense of making terroristic threats. **SB 2141**

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
301				
§ 1	Classification Pending	HB 366	Classification Pending	AP-Jan. 30, 2019
§ 2	Classification Pending	HB 366	Classification Pending	AP-Jan. 30, 2019
§ 3	Classification Pending	HB 366	Classification Pending	AP-Jan. 30, 2019
§ 4	Classification Pending	HB 366	Classification Pending	AP-Jan. 30, 2019
§ 5	Classification Pending	HB 366	Classification Pending	AP-Jan. 30, 2019
§ 6	Classification Pending	HB 366	Classification Pending	AP-Jan. 30, 2019
§ 7	Classification Pending	HB 366	Classification Pending	AP-Jan. 30, 2019
§ 8	Classification Pending	HB 366	Classification Pending	AP-Jan. 30, 2019
§ 9	77-5-205	HB 366	Amended	AP-Jan. 30, 2019
§ 10	77-5-231	HB 366	Amended	AP-Jan. 30, 2019
§ 11		HB 366	Eff date	AP-Jan. 30, 2019
302				
§ 1	61-3-3	SB 2802	Amended	AP-Mar. 6, 2019
§ 2	61-3-21	SB 2802	Amended	AP-Mar. 6, 2019
§ 3		SB 2802	Eff date	AP-Mar. 6, 2019
303				
§ 1	75-35-15	SB 2922	Amended	July 1, 2019
§ 2		SB 2922	Eff date	July 1, 2019
304				
§ 1	83-23-109	SB 2864	Amended	July 1, 2019
§ 2	83-23-115	SB 2864	Amended	July 1, 2019
§ 3		SB 2864	Eff date	July 1, 2019
305				
§ 1	37-3-87	HB 1322	Amended	July 1, 2019
§ 2		HB 1322	Eff date	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
306				
§ 1	41-13-29	HB 273	Amended	July 1, 2019
§ 2		HB 273	Eff date	July 1, 2019
307				
§ 1	37-7-307	HB 572	Amended	July 1, 2019
§ 2		HB 572	Eff date	July 1, 2019
308				
§ 1	37-5-9	HB 654	Amended	July 1, 2019
§ 2	37-7-711	HB 654	Amended	July 1, 2019
§ 3		HB 654	Eff date	July 1, 2019
309				
§ 1	Classification Pending	HB 1160	Classification Pending	AP-Mar. 18, 2019
§ 2	Classification Pending	HB 1160	Classification Pending	AP-Mar. 18, 2019
§ 3		HB 1160	Eff date	AP-Mar. 18, 2019
310				
§ 1	41-61-53	SB 2161	Amended	AP-Mar. 14, 2019
§ 2	41-61-55	SB 2161	Amended	AP-Mar. 14, 2019
§ 3	41-61-77	SB 2161	Amended	AP-Mar. 14, 2019
§ 4		SB 2161	Eff date	AP-Mar. 14, 2019
311				
§ 1	63-1-203	HB 751	Amended	July 1, 2019
§ 2		HB 751	Eff date	July 1, 2019
312				
§ 1	45-1-2	HB 913	Amended	July 1, 2019
§ 2	41-61-55	HB 913	Amended	July 1, 2019
§ 3	45-1-29	HB 913	Brought Forward	July 1, 2019
§ 4		HB 913	Eff date	July 1, 2019
313				
§ 1	97-37-7	HB 1581	Amended	July 1, 2019
§ 2		HB 1581	Eff date	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
314				
§ 1	Classification Pending	HB 724	Classification Pending	July 1, 2019
§ 2	Classification Pending	HB 724	Classification Pending	July 1, 2019
§ 3	Classification Pending	HB 724	Classification Pending	July 1, 2019
§ 4	Classification Pending	HB 724	Classification Pending	July 1, 2019
§ 5		HB 724	Eff date	July 1, 2019
315				
§ 1	Classification Pending	HB 726	Classification Pending	July 1, 2019
§ 2		HB 726	Eff date	July 1, 2019
316				
§ 1	Classification Pending	HB 1474	Classification Pending	July 1, 2019
§ 2		HB 1474	Eff date	July 1, 2019
317				
§ 1	Classification Pending	HB 725	Classification Pending	July 1, 2019
§ 2		HB 725	Eff date	July 1, 2019
318				
§ 1	Classification Pending	HB 701	Classification Pending	July 1, 2019
§ 2		HB 701	Eff date	July 1, 2019
319				
§ 1	Classification Pending	HB 1108	Classification Pending	July 1, 2019
§ 2		HB 1108	Eff date	July 1, 2019
320				
§ 1	Classification Pending	HB 1101	Classification Pending	July 1, 2019
§ 2		HB 1101	Eff date	July 1, 2019
321				
§ 1	27-7-22.7	HB 694	Reenacted	July 1, 2019
§ 2	27-7-22.9	HB 694	Reenacted	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 3	Classification Pending	HB 694	Classification Pending	July 1, 2019
§ 4	27-7-22.25	HB 694	Reenacted	July 1, 2019
§ 5	27-7-22.26	HB 694	Reenacted	July 1, 2019
§ 6	Classification Pending	HB 694	Classification Pending	July 1, 2019
§ 7		HB 694	Eff date	July 1, 2019
322				
§ 1	Classification Pending	HB 535	Classification Pending	AP-Mar. 15, 2019
§ 2		HB 535	Eff date	AP-Mar. 15, 2019
323				
§ 1	81-22-1	HB 800	Reenacted	July 1, 2019
§ 2	81-22-3	HB 800	Reenacted	July 1, 2019
§ 3	81-22-5	HB 800	Reenacted	July 1, 2019
§ 4	81-22-7	HB 800	Reenacted	July 1, 2019
§ 5	81-22-9	HB 800	Reenacted	July 1, 2019
§ 6	81-22-11	HB 800	Reenacted	July 1, 2019
§ 7	81-22-13	HB 800	Reenacted	July 1, 2019
§ 8	81-22-15	HB 800	Reenacted	July 1, 2019
§ 9	81-22-17	HB 800	Reenacted	July 1, 2019
§ 10	81-22-19	HB 800	Reenacted	July 1, 2019
§ 11	81-22-21	HB 800	Reenacted	July 1, 2019
§ 12	81-22-23	HB 800	Reenacted	July 1, 2019
§ 13	81-22-25	HB 800	Reenacted	July 1, 2019
§ 14	81-22-27	HB 800	Reenacted	July 1, 2019
§ 15	81-22-28	HB 800	Reenacted	July 1, 2019
§ 16	81-22-31	HB 800	Amended	July 1, 2019
§ 17		HB 800	Eff date	July 1, 2019
324				
§ 1	83-17-53	HB 630	Amended	July 1, 2019
§ 2	83-17-63	HB 630	Amended	July 1, 2019
§ 3	Classification Pending	HB 630	Classification Pending	July 1, 2019
§ 4		HB 630	Eff date	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
325				
§ 1	63-17-75	HB 785	Amended	July 1, 2019
§ 2		HB 785	Eff date	July 1, 2019
326				
§ 1	83-5-102	HB 323	Amended	Jan. 1, 2020
§ 2	83-5-119	HB 323	Amended	Jan. 1, 2020
§ 3	83-5-120	HB 323	Added	Jan. 1, 2020
§ 4		HB 323	Eff date	Jan. 1, 2020
327				
§ 1	27-104-13	SB 2947	Amended	AP-Mar. 15, 2019
§ 2		SB 2947	Eff date	AP-Mar. 15, 2019
328				
§ 1	73-13-31	HB 1288	Amended	July 1, 2019
§ 2	73-13-15	HB 1288	Amended	July 1, 2019
§ 3	73-13-43	HB 1288	Amended	July 1, 2019
§ 4	73-13-85	HB 1288	Amended	July 1, 2019
§ 5	73-13-105	HB 1288	Amended	July 1, 2019
§ 6		HB 1288	Eff date	July 1, 2019
329				
§ 1	61-13-5	SB 2918	Amended	AP-Mar. 15, 2019
§ 2	27-104-7	SB 2918	Amended	AP-Mar. 15, 2019
§ 3		SB 2918	Eff date	AP-Mar. 15, 2019
330				
§ 1	89-1-69	HB 962	Amended	July 1, 2019
§ 2		HB 962	Eff date	July 1, 2019
331				
§ 1	29-1-75	HB 807	Amended	July 1, 2019
§ 2		HB 807	Eff date	July 1, 2019
332				
§ 1	57-73-21	HB 695	Amended	July 1, 2019
§ 2		HB 695	Eff date	July 1, 2019
333				
§ 1	19-5-99	HB 1468	Amended	July 1, 2019
§ 2		HB 1468	Eff date	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
334				
§ 1	27-7-22.36	HB 808	Amended	Jan. 1, 2019
§ 2		HB 808	Eff date	Jan. 1, 2019
335				
§ 1	29-5-13	HB 84	Added	July 1, 2019
§ 2	39-5-6	HB 84	Amended	July 1, 2019
§ 3		HB 84	Eff date	July 1, 2019
336				
§ 1	Classification Pending	HB 761	Classification Pending	July 1, 2019
§ 2	Classification Pending	HB 761	Classification Pending	July 1, 2019
§ 3	Classification Pending	HB 761	Classification Pending	July 1, 2019
§ 4	Classification Pending	HB 761	Classification Pending	July 1, 2019
§ 5	Classification Pending	HB 761	Classification Pending	July 1, 2019
§ 6	Classification Pending	HB 761	Classification Pending	July 1, 2019
§ 7	Classification Pending	HB 761	Classification Pending	July 1, 2019
§ 8	Classification Pending	HB 761	Classification Pending	July 1, 2019
§ 9		HB 761	Eff date	July 1, 2019
337				
§ 1	27-3-52	SB 2444	Amended	July 1, 2019
§ 2		SB 2444	Eff date	July 1, 2019
338				
§ 1	69-1-18	HB 1206	Amended	July 1, 2019
§ 2	75-29-19	HB 1206	Amended	July 1, 2019
§ 3		HB 1206	Eff date	July 1, 2019
339				
§ 1	73-35-9	HB 1292	Amended	July 1, 2019
§ 2	73-35-18	HB 1292	Amended	July 1, 2019
§ 3	73-35-35	HB 1292	Amended	July 1, 2019
§ 4		HB 1292	Eff date	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
340				
§ 1	23-15-283	HB 914	Amended	July 1, 2019
§ 2	23-15-281	HB 914	Amended	July 1, 2019
§ 3	23-15-285	HB 914	Amended	July 1, 2019
§ 4	19-3-1	HB 914	Amended	July 1, 2019
§ 5	21-8-7	HB 914	Brought Forward	July 1, 2019
§ 6	21-9-15	HB 914	Brought Forward	July 1, 2019
§ 7	23-15-39	HB 914	Brought Forward	July 1, 2019
§ 8		HB 914	Eff date	July 1, 2019
341				
§ 1	97-3-7	HB 1465	Amended	July 1, 2019
§ 2		HB 1465	Eff date	July 1, 2019
342				
§ 1	83-51-1	HB 752	Amended	July 1, 2019
§ 2	Classification Pending	HB 752	Classification Pending	July 1, 2019
§ 3		HB 752	Eff date	July 1, 2019
343				
§ 1	Classification Pending	HB 324	Classification Pending	Jan. 1, 2020
§ 2	Classification Pending	HB 324	Classification Pending	Jan. 1, 2020
§ 3	Classification Pending	HB 324	Classification Pending	Jan. 1, 2020
§ 4	Classification Pending	HB 324	Classification Pending	Jan. 1, 2020
§ 5	Classification Pending	HB 324	Classification Pending	Jan. 1, 2020
§ 6	Classification Pending	HB 324	Classification Pending	Jan. 1, 2020
§ 7	Classification Pending	HB 324	Classification Pending	Jan. 1, 2020
§ 8	Classification Pending	HB 324	Classification Pending	Jan. 1, 2020

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 9	Classification Pending	HB 324	Classification Pending	Jan. 1, 2020
§ 10		HB 324	Eff date	Jan. 1, 2020
344				
§ 1	27-7-24.9	HB 1699	Added	Jan. 1, 2019
§ 2	27-7-23	HB 1699	Amended	Jan. 1, 2019
§ 3		HB 1699	Eff date	Jan. 1, 2019
345				
§ 1	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 2	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 3	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 4	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 5	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 6	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 7	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 8	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 9	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 10	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 11	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 12	Classification Pending	HB 991	Classification Pending	Jan. 1, 2019
§ 13	27-7-83	HB 991	Amended	Jan. 1, 2019
§ 14		HB 991	Eff date	Jan. 1, 2019
346				
§ 1	85-7-432	HB 869	Added	July 1, 2019
§ 2	85-7-431	HB 869	Amended	July 1, 2019
§ 3	31-5-55	HB 869	Amended	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4		HB 869	Eff date	July 1, 2019
347				
§ 1	57-10-701	HB 1132	Reenacted	July 1, 2019
§ 2	57-10-703	HB 1132	Reenacted	July 1, 2019
§ 3	57-10-705	HB 1132	Reenacted	July 1, 2019
§ 4	57-10-707	HB 1132	Reenacted	July 1, 2019
§ 5	57-10-709	HB 1132	Reenacted	July 1, 2019
§ 6	57-10-711	HB 1132	Amended	July 1, 2019
§ 7		HB 1132	Eff date	July 1, 2019
348				
§ 1	57-1-303	HB 713	Amended	July 1, 2019
§ 2		HB 713	Eff date	July 1, 2019
349				
§ 1	41-41-34.1	SB 2116	Added	July 1, 2019
§ 2	73-25-29	SB 2116	Amended	July 1, 2019
§ 3		SB 2116	Eff date	July 1, 2019
350				
§ 1	43-21-353	HB 1117	Amended	July 1, 2019
§ 2		HB 1117	Eff date	July 1, 2019
351				
§ 1	57-105-1	SB 2598	Amended	July 1, 2019
§ 2		SB 2598	Eff date	July 1, 2019
352				
§ 1	63-3-615	HB 677	Amended	July 1, 2019
§ 2	Classification Pending	HB 677	Classification Pending	July 1, 2019
§ 3		HB 677	Eff date	July 1, 2019
353				
§ 1	41-99-5	HB 584	Amended	July 1, 2019
§ 2		HB 584	Eff date	July 1, 2019
354				
§ 1	37-11-57	HB 1182	Amended	July 1, 2019
§ 2		HB 1182	Eff date	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
355				
§ 1	57-80-9	SB 2885	Amended	AP-Mar. 21, 2019
§ 2		SB 2885	Eff date	AP-Mar. 21, 2019
356				
§ 1	Classification Pending	HB 580	Classification Pending	July 1, 2019
§ 2	63-3-516	HB 580	Amended	July 1, 2019
§ 3		HB 580	Eff date	July 1, 2019
357				
§ 1	27-19-81	HB 754	Amended	July 1, 2019
§ 2		HB 754	Eff date	July 1, 2019
358				
§ 1	83-65-103	HB 925	Amended	July 1, 2019
§ 2		HB 925	Eff date	July 1, 2019
359				
§ 1	19-7-39	HB 1477	Amended	July 1, 2019
§ 2	21-37-21	HB 1477	Amended	July 1, 2019
§ 3		HB 1477	Eff date	July 1, 2019
360				
§ 1	17-17-5	HB 1540	Amended	July 1, 2019
§ 2		HB 1540	Eff date	July 1, 2019
361				
§ 1	Classification Pending	SB 2141	Classification Pending	July 1, 2019
§ 2		SB 2141	Eff date	July 1, 2019
362				
§ 1	23-15-299	SB 2237	Amended	July 1, 2019
§ 2	23-15-359	SB 2237	Amended	July 1, 2019
§ 3	37-9-13	SB 2237	Amended	July 1, 2019
§ 4	99-15-26	SB 2237	Amended	July 1, 2019
§ 5		SB 2237	Eff date	July 1, 2019
363				
§ 1	Classification Pending	HB 1533	Classification Pending	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2	Classification Pending	HB 1533	Classification Pending	July 1, 2019
§ 3	43-27-39	HB 1533	Amended	July 1, 2019
§ 4	19-5-99	HB 1533	Brought Forward	July 1, 2019
§ 5		HB 1533	Eff date	July 1, 2019
364				
§ 1	33-15-17	SB 2243	Amended	July 1, 2019
§ 2		SB 2243	Eff date	July 1, 2019
365				
§ 1	45-9-171	HB 390	Amended	July 1, 2019
§ 2		HB 390	Eff date	July 1, 2019
366				
§ 1	73-21-73	SB 2365	Amended	July 1, 2019
§ 2	73-21-117	SB 2365	Amended	July 1, 2019
§ 3	73-21-119	SB 2365	Amended	July 1, 2019
§ 4	73-21-127	SB 2365	Amended	July 1, 2019
§ 5		SB 2365	Eff date	July 1, 2019
367				
§ 1	41-7-201	HB 626	Amended	July 1, 2019
§ 2		HB 626	Eff date	July 1, 2019
368				
§ 1	43-47-19	HB 1075	Amended	July 1, 2019
§ 2		HB 1075	Eff date	July 1, 2019
369				
§ 1	25-61-5	HB 1204	Amended	July 1, 2019
§ 2	25-61-9	HB 1204	Brought Forward	July 1, 2019
§ 3		HB 1204	Eff date	July 1, 2019
370				
§ 1	41-60-11	HB 1313	Amended	July 1, 2019
§ 2		HB 1313	Eff date	July 1, 2019
371				
§ 1	19-25-73	HB 874	Amended	July 1, 2019
§ 2		HB 874	Eff date	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
372				
§ 1	43-1-1	HB 1147	Amended	July 1, 2019
§ 2	43-1-2	HB 1147	Amended	July 1, 2019
§ 3	43-1-3	HB 1147	Amended	July 1, 2019
§ 4	43-1-5	HB 1147	Amended	July 1, 2019
§ 5	43-27-20	HB 1147	Amended	July 1, 2019
§ 6		HB 1147	Eff date	July 1, 2019
373				
§ 1	73-21-126	HB 1226	Amended	July 1, 2019
§ 2		HB 1226	Eff date	July 1, 2019
374				
§ 1	63-5-19	HB 1329	Amended	July 1, 2019
§ 2	63-5-23	HB 1329	Amended	July 1, 2019
§ 3		HB 1329	Eff date	July 1, 2019
375				
§ 1	Classification Pending	HB 1048	Classification Pending	July 1, 2019
§ 2	73-15-101	HB 1048	Repealed	July 1, 2019
§ 3		HB 1048	Eff date	July 1, 2019
376				
§ 1	73-26-3	HB 798	Amended	July 1, 2019
§ 2		HB 798	Eff date	July 1, 2019
377				
§ 1	Classification Pending	HB 977	Classification Pending	AP-Mar. 21, 2019
§ 2	Classification Pending	HB 977	Classification Pending	AP-Mar. 21, 2019
§ 3	Classification Pending	HB 977	Classification Pending	AP-Mar. 21, 2019
§ 4	Classification Pending	HB 977	Classification Pending	AP-Mar. 21, 2019
§ 5	73-25-19	HB 977	Amended	AP-Mar. 21, 2019
§ 6		HB 977	Eff date	AP-Mar. 21, 2019
378				
§ 1	73-15-29	HB 1519	Amended	July 1, 2019
§ 2		HB 1519	Eff date	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
379				
§ 1	31-7-14	SB 2876	Amended	July 1, 2019
§ 2		SB 2876	Eff date	July 1, 2019
380				
§ 1	73-34-117	SB 2869	Amended	July 1, 2019
§ 2		SB 2869	Eff date	July 1, 2019
381				
§ 1	49-15-46	HB 1269	Amended	July 1, 2019
§ 2		HB 1269	Eff date	July 1, 2019
382				
§ 1	25-53-1	HB 714	Amended	July 1, 2019
§ 2	25-53-5	HB 714	Amended	July 1, 2019
§ 3	25-9-127	HB 714	Amended	July 1, 2019
§ 4	27-104-7	HB 714	Amended	July 1, 2019
§ 5		HB 714	Eff date	July 1, 2019
383				
§ 1	83-9-5	HB 628	Amended	July 1, 2019
§ 2		HB 628	Eff date	July 1, 2019
384				
§ 1	75-60-3	SB 2737	Amended	July 1, 2019
§ 2	75-60-17	SB 2737	Amended	July 1, 2019
§ 3	75-60-23	SB 2737	Amended	July 1, 2019
§ 4	75-60-25	SB 2737	Amended	July 1, 2019
§ 5		SB 2737	Eff date	July 1, 2019
385				
§ 1	25-7-13	SB 2043	Amended	July 1, 2019
§ 2		SB 2043	Eff date	July 1, 2019
386				
§ 1	89-7-31	SB 2716	Amended	AP-Mar. 22, 2019
§ 2	89-7-35	SB 2716	Amended	AP-Mar. 22, 2019
§ 3	89-7-41	SB 2716	Amended	AP-Mar. 22, 2019
§ 4	89-7-45	SB 2716	Amended	AP-Mar. 22, 2019
§ 5		SB 2716	Eff date	AP-Mar. 22, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
387				
§ 1	73-34-103	SB 2451	Reenacted	July 1, 2019
§ 2		SB 2451	Eff date	July 1, 2019
388				
§ 1	97-21-33	SB 2470	Amended	July 1, 2019
§ 2	97-21-13	SB 2470	Amended	July 1, 2019
§ 3	97-21-15	SB 2470	Amended	July 1, 2019
§ 4	97-21-17	SB 2470	Amended	July 1, 2019
§ 5		SB 2470	Eff date	July 1, 2019
389				
§ 1	27-65-201	SB 2229	Amended	July 1, 2019
§ 2	Classification Pending	SB 2229	Classification Pending	July 1, 2019
§ 3		SB 2229	Eff date	July 1, 2019
390				
§ 1	73-34-16	SB 2697	Added	July 1, 2019
§ 2	73-34-3	SB 2697	Amended	July 1, 2019
§ 3	73-34-5	SB 2697	Amended	July 1, 2019
§ 4	73-34-9	SB 2697	Amended	July 1, 2019
§ 5	73-34-17	SB 2697	Amended	July 1, 2019
§ 6	73-34-21	SB 2697	Amended	July 1, 2019
§ 7	73-34-33	SB 2697	Amended	July 1, 2019
§ 8	73-34-45	SB 2697	Amended	July 1, 2019
§ 9		SB 2697	Eff date	July 1, 2019
391				
§ 1	27-65-75	SB 2425	Amended	July 1, 2019
§ 2	21-45-9	SB 2425	Amended	July 1, 2019
§ 3		SB 2425	Eff date	July 1, 2019
392				
§ 1	35-1-21	SB 2723	Amended	July 1, 2019
§ 2		SB 2723	Eff date	July 1, 2019
393				
§ 1	Classification Pending	SB 2810	Classification Pending	AP-Mar. 22, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2	Classification Pending	SB 2810	Classification Pending	AP-Mar. 22, 2019
§ 3		SB 2810	Eff date	AP-Mar. 22, 2019
394				
§ 1	63-17-73	HB 872	Amended	July 1, 2019
§ 2		HB 872	Eff date	July 1, 2019
395				
§ 1	Classification Pending	SB 2050	Classification Pending	July 1, 2019
§ 2		SB 2050	Eff date	July 1, 2019
396				
§ 1	57-113-21	SB 2271	Amended	July 1, 2019
§ 2	57-113-25	SB 2271	Amended	July 1, 2019
§ 3	27-65-107	SB 2271	Amended	July 1, 2019
§ 4	27-7-21	SB 2271	Amended	July 1, 2019
§ 5	27-13-5	SB 2271	Amended	July 1, 2019
§ 6	27-13-7	SB 2271	Amended	July 1, 2019
§ 7		SB 2271	Eff date	July 1, 2019
397				
§ 1	35-1-1	SB 2839	Amended	July 1, 2019
§ 2		SB 2839	Eff date	July 1, 2019
398				
§ 1	25-9-301	SB 2863	Amended	July 1, 2019
§ 2		SB 2863	Eff date	July 1, 2019
399				
§ 1	57-39-21	HB 1362	Amended	July 1, 2019
§ 2		HB 1362	Eff date	July 1, 2019
400				
§ 1	43-33-729	HB 1126	Amended	June 30, 2019
§ 2		HB 1126	Eff date	June 30, 2019
401				
§ 1	49-17-707	SB 2687	Amended	July 1, 2019
§ 2	49-17-709	SB 2687	Reenacted	July 1, 2019
§ 3	49-17-711	SB 2687	Reenacted	July 1, 2019
§ 4	49-17-713	SB 2687	Reenacted	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 5		SB 2687	Eff date	July 1, 2019
402				
§ 1	23-15-977	SB 2916	Amended	July 1, 2019
§ 2		SB 2916	Eff date	July 1, 2019
403				
§ 1	Classification Pending	SB 2577	Classification Pending	July 1, 2019
§ 2		SB 2577	Eff date	July 1, 2019
404				
§ 1	93-16-3	HB 1096	Amended	July 1, 2019
§ 2		HB 1096	Eff date	July 1, 2019
405				
§ 1	45-33-59	SB 2532	Amended	July 1, 2019
§ 2	45-33-32	SB 2532	Amended	July 1, 2019
§ 3	45-33-23	SB 2532	Amended	July 1, 2019
§ 4		SB 2532	Eff date	July 1, 2019
406				
§ 1	Classification Pending	SB 2900	Classification Pending	AP-Mar. 22, 2019
§ 2		SB 2900	Eff date	AP-Mar. 22, 2019
407				
§ 1	33-13-31	SB 2679	Amended	July 1, 2019
§ 2		SB 2679	Eff date	July 1, 2019
408				
§ 1	33-13-159	SB 2680	Amended	July 1, 2019
§ 2		SB 2680	Eff date	July 1, 2019
409				
§ 1	Classification Pending	SB 2445	Classification Pending	July 1, 2019
§ 2	Classification Pending	SB 2445	Classification Pending	July 1, 2019
§ 3		SB 2445	Eff date	July 1, 2019
410				
§ 1	9-23-11	SB 2491	Amended	AP-Mar. 28, 2019
§ 2		SB 2491	Eff date	AP-Mar. 28, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
411				
§ 1	Classification Pending	HB 1564	Classification Pending	AP-Mar. 28, 2019
§ 2		HB 1564	Eff date	AP-Mar. 28, 2019
412				
§ 1	37-26-11	SB 2196	Amended	July 1, 2019
§ 2	99-19-73	SB 2196	Amended	July 1, 2019
§ 3		SB 2196	Eff date	July 1, 2019
413				
§ 1	73-7-12	SB 2766	Amended	July 1, 2019
§ 2		SB 2766	Eff date	July 1, 2019
414				
§ 1	Classification Pending	SB 2282	Classification Pending	July 1, 2019
§ 2		SB 2282	Eff date	July 1, 2019
415				
§ 1	Classification Pending	HB 1568	Classification Pending	July 1, 2019
§ 2	49-17-85	HB 1568	Amended	July 1, 2019
§ 3		HB 1568	Eff date	July 1, 2019
416				
§ 1	Classification Pending	SB 2053	Classification Pending	July 1, 2019
§ 2		SB 2053	Eff date	July 1, 2019
417				
§ 1	Classification Pending	HB 983	Classification Pending	July 1, 2019
§ 2		HB 983	Eff date	July 1, 2019
418				
§ 1	57-113-1	HB 1431	Amended	July 1, 2019
§ 2		HB 1431	Eff date	July 1, 2019
419				
§ 1	Classification Pending	HB 1065	Classification Pending	Jan. 1, 2019
§ 2	Classification Pending	HB 1065	Classification Pending	Jan. 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 3		HB 1065	Eff date	Jan. 1, 2019
420				
§ 1	97-29-49	HB 571	Amended	July 1, 2019
§ 2	43-15-13	HB 571	Amended	July 1, 2019
§ 3	43-15-51	HB 571	Amended	July 1, 2019
§ 4	97-3-54.1	HB 571	Amended	July 1, 2019
§ 5	43-21-353	HB 571	Amended	July 1, 2019
§ 6	43-21-105	HB 571	Amended	July 1, 2019
§ 7	97-5-51	HB 571	Amended	July 1, 2019
§ 8	19-5-353	HB 571	Amended	July 1, 2019
§ 9	45-6-7	HB 571	Amended	July 1, 2019
§ 10	43-1-55	HB 571	Amended	July 1, 2019
§ 11	97-3-54.8	HB 571	Amended	July 1, 2019
§ 12	97-3-54.9	HB 571	Amended	July 1, 2019
§ 13	43-47-7	HB 571	Amended	July 1, 2019
§ 14		HB 571	Eff date	July 1, 2019
421				
§ 1	Classification Pending	HB 1427	Classification Pending	July 1, 2019
§ 2	57-1-701	HB 1427	Amended	July 1, 2019
§ 3	Classification Pending	HB 1427	Classification Pending	July 1, 2019
§ 4	57-61-25	HB 1427	Amended	July 1, 2019
§ 5	57-61-36	HB 1427	Amended	July 1, 2019
§ 6	57-75-15	HB 1427	Amended	July 1, 2019
§ 7	65-4-25	HB 1427	Amended	July 1, 2019
§ 8	Classification Pending	HB 1427	Classification Pending	July 1, 2019
§ 9		HB 1427	Eff date	July 1, 2019
422				
§ 1	27-31-101	HB 1668	Amended	AP-Mar. 28, 2019
§ 2	27-31-104	HB 1668	Amended	AP-Mar. 28, 2019
§ 3	27-31-105	HB 1668	Amended	AP-Mar. 28, 2019
§ 4		HB 1668	Eff date	AP-Mar. 28, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
423				
§ 1	Classification Pending	HB 1205	Classification Pending	July 1, 2019
§ 2	Classification Pending	HB 1205	Classification Pending	July 1, 2019
§ 3	Classification Pending	HB 1205	Classification Pending	July 1, 2019
§ 4	Classification Pending	HB 1205	Classification Pending	July 1, 2019
§ 5	Classification Pending	HB 1205	Classification Pending	July 1, 2019
§ 6	25-61-3	HB 1205	Amended	July 1, 2019
§ 7		HB 1205	Eff date	July 1, 2019
424				
§ 1	Classification Pending	SB 2898	Classification Pending	July 1, 2019
§ 2	Classification Pending	SB 2898	Classification Pending	July 1, 2019
§ 3	Classification Pending	SB 2898	Classification Pending	July 1, 2019
§ 4	Classification Pending	SB 2898	Classification Pending	July 1, 2019
§ 5		SB 2898	Eff date	
425				
§ 1	85-7-301	SB 2012	Reenacted	July 1, 2019
§ 2	85-7-303	SB 2012	Reenacted	July 1, 2019
§ 3	85-7-305	SB 2012	Reenacted	July 1, 2019
§ 4	85-7-307	SB 2012	Reenacted	July 1, 2019
§ 5	85-7-309	SB 2012	Reenacted	July 1, 2019
§ 6	85-7-311	SB 2012	Reenacted	July 1, 2019
§ 7	85-7-313	SB 2012	Reenacted	July 1, 2019
§ 8	85-7-315	SB 2012	Reenacted	July 1, 2019
§ 9	85-7-317	SB 2012	Repealed	July 1, 2019
§ 10		SB 2012	Eff date	July 1, 2019
426				
§ 1	Classification Pending	SB 2268	Classification Pending	AP-Mar. 28, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2		SB 2268	Eff date	AP-Mar. 28, 2019
427				
§ 1	Classification Pending	HB 1283	Classification Pending	July 1, 2019
§ 2	37-11-5	HB 1283	Amended	July 1, 2019
§ 3	37-3-83	HB 1283	Amended	July 1, 2019
§ 4	37-3-93	HB 1283	Amended	July 1, 2019
§ 5	37-3-89	HB 1283	Brought Forward	July 1, 2019
§ 6	37-3-91	HB 1283	Amended	July 1, 2019
§ 7	37-3-82	HB 1283	Amended	July 1, 2019
§ 8	95-15-1	HB 1283	Amended	July 1, 2019
§ 9	45-1-2	HB 1283	Amended	July 1, 2019
§ 10		HB 1283	Eff date	July 1, 2019
428				
§ 1	Classification Pending	HB 940	Classification Pending	
§ 2	Classification Pending	HB 940	Classification Pending	July 1, 2019
§ 3	Classification Pending	HB 940	Classification Pending	July 1, 2019
§ 4	Classification Pending	HB 940	Classification Pending	July 1, 2019
§ 5	99-19-71	HB 940	Amended	July 1, 2019
§ 6		HB 940	Eff date	July 1, 2019
429				
§ 1	43-21-321	SB 2449	Amended	July 1, 2019
§ 2		SB 2449	Eff date	July 1, 2019
430				
§ 1	43-33-729	SB 2602	Amended	AP-Mar. 29, 2019
§ 2		SB 2602	Eff date	AP-Mar. 29, 2019
431				
§ 1	81-5-1	SB 2817	Amended	AP-Mar. 29, 2019
§ 2		SB 2817	Eff date	AP-Mar. 29, 2019
432				
§ 1	37-140-5	SB 2625	Amended	July 1, 2019

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2	37-140-9	SB 2625	Amended	July 1, 2019
§ 3	25-9-107	SB 2625	Amended	July 1, 2019
§ 4	31-7-1	SB 2625	Amended	July 1, 2019
§ 5	37-7-307	SB 2625	Amended	July 1, 2019
§ 6	37-9-17	SB 2625	Amended	July 1, 2019
§ 7	37-9-59	SB 2625	Amended	July 1, 2019
§ 8	37-9-103	SB 2625	Amended	July 1, 2019
§ 9	27-104-13	SB 2625	Amended	July 1, 2019
§ 10		SB 2625	Eff date	July 1, 2019
433				
§ 1	Classification Pending	SB 2030	Classification Pending	July 1, 2019
§ 2	65-1-3	SB 2030	Amended	July 1, 2019
§ 3	25-31-1	SB 2030	Amended	July 1, 2019
§ 4	69-1-1	SB 2030	Amended	July 1, 2019
§ 5		SB 2030	Eff date	July 1, 2019
434				
§ 1	37-153-15	SB 2447	Added	July 1, 2019
§ 2		SB 2447	Eff date	July 1, 2019
435				
§ 1	Classification Pending	SB 2901	Classification Pending	July 1, 2019
§ 2	85-5-7	SB 2901	Amended	July 1, 2019
§ 3		SB 2901	Eff date	July 1, 2019
436				
§ 1	37-4-3	SB 2749	Amended	AP-Mar. 29, 2019
§ 2		SB 2749	Eff date	AP-Mar. 29, 2019
437				
§ 1	Classification Pending	HB 1612	Classification Pending	July 1, 2019
§ 2	Classification Pending	HB 1612	Classification Pending	July 1, 2019
§ 3	Classification Pending	HB 1612	Classification Pending	July 1, 2019
§ 4	Classification Pending	HB 1612	Classification Pending	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 5	Classification Pending	HB 1612	Classification Pending	July 1, 2019
§ 6	Classification Pending	HB 1612	Classification Pending	July 1, 2019
§ 7		HB 1612	Eff date	July 1, 2019
438				
§ 1	37-103-19	SB 2049	Amended	July 1, 2019
§ 2		SB 2049	Eff date	July 1, 2019
439				
§ 1	27-31-104	SB 2056	Amended	July 1, 2019
§ 2		SB 2056	Eff date	July 1, 2019
440				
§ 1	Classification Pending	SB 2210	Classification Pending	Jan. 1, 2019
§ 2	Classification Pending	SB 2210	Classification Pending	Jan. 1, 2019
§ 3	Classification Pending	SB 2210	Classification Pending	Jan. 1, 2019
§ 4	Classification Pending	SB 2210	Classification Pending	Jan. 1, 2019
§ 5	Classification Pending	SB 2210	Classification Pending	Jan. 1, 2019
§ 6	Classification Pending	SB 2210	Classification Pending	Jan. 1, 2019
§ 7	Classification Pending	SB 2210	Classification Pending	Jan. 1, 2019
§ 8		SB 2210	Eff date	Jan. 1, 2019
441				
§ 1	37-144-3	SB 2524	Amended	July 1, 2019
§ 2	37-144-5	SB 2524	Amended	July 1, 2019
§ 3	37-144-7	SB 2524	Amended	July 1, 2019
§ 4		SB 2524	Eff date	July 1, 2019
442				
§ 1	41-13-10	SB 2892	Amended	July 1, 2019
§ 2	41-13-15	SB 2892	Amended	July 1, 2019
§ 3		SB 2892	Eff date	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
443				
§ 1	25-61-11.2	SB 2046	Added	July 1, 2019
§ 2	9-5-169	SB 2046	Amended	July 1, 2019
§ 3	25-61-5	SB 2046	Amended	July 1, 2019
§ 4	25-59-19	SB 2046	Amended	July 1, 2019
§ 5	25-61-10	SB 2046	Amended	July 1, 2019
§ 6	31-7-111	SB 2046	Amended	July 1, 2019
§ 7		SB 2046	Eff date	July 1, 2019
444				
§ 1	27-103-159	SB 2392	Amended	July 1, 2019
§ 2		SB 2392	Eff date	July 1, 2019
445				
§ 1	73-50-1	SB 2452	Amended	AP-Mar. 29, 2019
§ 2		SB 2452	Eff date	AP-Mar. 29, 2019
446				
§ 1	Classification Pending	SB 2681	Classification Pending	July 1, 2019
447				
§ 1	Classification Pending	SB 2193	Classification Pending	July 1, 2019
§ 2	27-65-75	SB 2193	Amended	July 1, 2019
§ 3		SB 2193	Eff date	July 1, 2019
448				
§ 1	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 2	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 3	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 4	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 5	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 6	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 7	Classification Pending	SB 2831	Classification Pending	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 8	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 9	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 10	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 11	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 12	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 13	Classification Pending	SB 2831	Classification Pending	July 1, 2019
§ 14		SB 2831	Eff date	July 1, 2019
449				
§ 1	47-5-193	SB 2704	Amended	AP-Apr. 3, 2019
§ 2		SB 2704	Eff date	AP-Apr. 3, 2019
450				
§ 1	83-34-1	HB 444	Amended	July 1, 2019
§ 2	83-34-3	HB 444	Amended	July 1, 2019
§ 3	83-34-4	HB 444	Reenacted	July 1, 2019
§ 4	83-34-5	HB 444	Amended	July 1, 2019
§ 5	83-34-9	HB 444	Amended	July 1, 2019
§ 6	83-34-10	HB 444	Amended	July 1, 2019
§ 7	83-34-12	HB 444	Amended	July 1, 2019
§ 8	83-34-13	HB 444	Amended	July 1, 2019
§ 9	83-34-23	HB 444	Amended	July 1, 2019
§ 10	83-34-31	HB 444	Amended	July 1, 2019
§ 11	83-34-33	HB 444	Amended	July 1, 2019
§ 12	83-34-35	HB 444	Amended	July 1, 2019
§ 13	83-34-11	HB 444	Repealed	July 1, 2019
§ 14	17-23-1	HB 444	Amended	July 1, 2019
§ 15		HB 444	Eff date	July 1, 2019
451				
§ 1	37-153-1	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 2	37-153-3	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 3	37-153-5	SB 2133	Reenacted	AP-Apr. 3, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4	37-153-7	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 5	37-153-9	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 6	37-153-11	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 7	37-153-13	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 8	71-5-5	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 9	71-5-11	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 10	71-5-19	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 11	71-5-101	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 12	71-5-107	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 13	71-5-109	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 14	71-5-111	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 15	71-5-112	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 16	71-5-113	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 17	71-5-114	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 18	71-5-115	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 19	71-5-117	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 20	71-5-119	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 21	71-5-121	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 22	71-5-123	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 23	71-5-125	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 24	71-5-127	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 25	71-5-129	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 26	71-5-131	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 27	71-5-133	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 28	71-5-135	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 29	71-5-137	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 30	71-5-139	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 31	71-5-141	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 32	71-5-143	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 33	71-5-201	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 34	71-5-357	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 35	71-5-359	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 36	71-5-451	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 37	71-5-457	SB 2133	Reenacted	AP-Apr. 3, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 38	71-5-511	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 39	71-5-513	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 40	71-5-517	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 41	71-5-519	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 42	71-5-523	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 43	71-5-525	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 44	71-5-529	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 45	71-5-531	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 46	71-5-541	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 47	73-30-25	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 48	43-1-30	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 49	43-17-5	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 50	43-19-45	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 51	43-19-46	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 52	57-62-5	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 53	57-62-9	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 54	57-75-5	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 55	57-80-7	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 56	69-2-5	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 57	7-1-355	SB 2133	Reenacted	AP-Apr. 3, 2019
§ 58	Classification Pending	SB 2133	Classification Pending	AP-Apr. 3, 2019
§ 59		SB 2133	Eff date	AP-Apr. 3, 2019
452				
§ 1	57-89-3	SB 2603	Amended	AP-Apr. 8, 2019
§ 2		SB 2603	Eff date	AP-Apr. 8, 2019
453				
§ 1	57-1-16	SB 2272	Amended	July 1, 2019
§ 2	57-1-18	SB 2272	Amended	July 1, 2019
§ 3	57-1-221	SB 2272	Amended	July 1, 2019
§ 4	57-1-421	SB 2272	Amended	July 1, 2019
§ 5	57-1-601	SB 2272	Amended	AP-Apr. 12, 2019
§ 6	57-1-701	SB 2272	Amended	July 1, 2019
§ 7	57-46-1	SB 2272	Amended	July 1, 2019

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 8	57-61-25	SB 2272	Amended	July 1, 2019
§ 9	57-85-5	SB 2272	Amended	July 1, 2019
§ 10	57-93-1	SB 2272	Amended	July 1, 2019
§ 11	57-95-1	SB 2272	Amended	July 1, 2019
§ 12	57-111-1	SB 2272	Amended	July 1, 2019
§ 13	65-4-15	SB 2272	Amended	July 1, 2019
§ 14		SB 2272	Eff date	July 1, 2019
454				
§ 1	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 2	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 3	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 4	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 5	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 6	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 7	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 8	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 9	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 10	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 11	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 12	Classification Pending	SB 3065	Amended	AP-Apr. 12, 2019
§ 13	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 14	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 15	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 16	51-37-3	SB 3065	Amended	AP-Apr. 12, 2019

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 17	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 18	39-5-145	SB 3065	Amended	AP-Apr. 12, 2019
§ 19	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 20	57-1-18	SB 3065	Amended	AP-Apr. 12, 2019
§ 21	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 22	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 23	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 24	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 25	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 26	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 27	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 29	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 30	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 31	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 32	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 33	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 34	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 35	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 36	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 37	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 38	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 39	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 40	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 41	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 42	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 43	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 44	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 45	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 46	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 47	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 48	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 49	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 50	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 51	57-1-601	SB 3065	Amended	AP-Apr. 12, 2019
§ 52	Classification Pending	SB 3065	Amended	AP-Apr. 12, 2019
§ 53	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 54	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 55	Classification Pending	SB 3065	Classification Pending	AP-Apr. 12, 2019
§ 56	27-104-301	SB 3065	Amended	AP-Apr. 12, 2019
§ 57		SB 3065	Eff date	AP-Apr. 12, 2019
455				
§ 1	37-3-2	HB 578	Amended	July 1, 2019
§ 2		HB 578	Eff date	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
456				
§ 1	9-7-14	HB 904	Amended	AP-Apr. 16, 2019
§ 2	Classification Pending	HB 904	Classification Pending	AP-Apr. 16, 2019
§ 3		HB 904	Eff date	AP-Apr. 16, 2019
457				
§ 1	27-45-27	HB 1307	Amended	July 1, 2019
§ 2		HB 1307	Eff date	July 1, 2019
458				
§ 1	91-7-93	HB 1375	Amended	July 1, 2019
§ 2	91-7-95	HB 1375	Amended	July 1, 2019
§ 3	91-7-109	HB 1375	Amended	July 1, 2019
§ 4	91-7-117	HB 1375	Amended	July 1, 2019
§ 5	91-7-135	HB 1375	Amended	July 1, 2019
§ 6	91-7-141	HB 1375	Amended	July 1, 2019
§ 7	91-7-255	HB 1375	Amended	July 1, 2019
§ 8	91-7-277	HB 1375	Amended	July 1, 2019
§ 9	91-7-291	HB 1375	Amended	July 1, 2019
§ 10	91-7-297	HB 1375	Amended	July 1, 2019
§ 11	91-7-90	HB 1375	Added	July 1, 2019
§ 12	91-7-91	HB 1375	Amended	July 1, 2019
§ 13	91-7-191	HB 1375	Amended	July 1, 2019
§ 14	91-7-195	HB 1375	Amended	July 1, 2019
§ 15	91-7-199	HB 1375	Amended	July 1, 2019
§ 16	91-7-261	HB 1375	Amended	July 1, 2019
§ 17	91-7-271	HB 1375	Amended	July 1, 2019
§ 18	91-7-322	HB 1375	Amended	July 1, 2019
§ 19	91-7-137	HB 1375	Repealed	July 1, 2019
§ 20	91-7-139	HB 1375	Repealed	July 1, 2019
§ 21	91-7-257	HB 1375	Repealed	July 1, 2019
§ 22	91-7-279	HB 1375	Repealed	July 1, 2019
§ 23	91-7-111	HB 1375	Repealed	July 1, 2019
§ 24	91-7-115	HB 1375	Repealed	July 1, 2019
§ 25	91-7-113	HB 1375	Repealed	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 26		HB 1375	Eff date	July 1, 2019
459				
§ 1	97-3-54.1	SB 2305	Amended	July 1, 2019
§ 2		SB 2305	Eff date	July 1, 2019
460				
§ 1	93-21-13	SB 2561	Amended	July 1, 2019
§ 2	93-21-15	SB 2561	Amended	July 1, 2019
§ 3	93-21-15.1	SB 2561	Added	July 1, 2019
§ 4		SB 2561	Eff date	July 1, 2019
461				
§ 1	37-19-7	SB 2770	Amended	July 1, 2019
§ 2	37-21-7	SB 2770	Amended	July 1, 2019
§ 3		SB 2770	Eff date	July 1, 2019 July 1, 2019
462				
§ 1	37-106-71	HB 150	Amended	July 1, 2019
§ 2	37-106-57	HB 150	Amended	July 1, 2019
§ 3		HB 150	Eff date	July 1, 2019
463				
§ 1	Classification Pending	SB 2828	Added	Jan. 1, 2020
§ 2	9-1-49	SB 2828	Amended	Jan. 1, 2020
§ 3	43-47-29	SB 2828	Amended	Jan. 1, 2020
§ 4	45-9-103	SB 2828	Amended	Jan. 1, 2020
§ 5	81-5-62	SB 2828	Amended	Jan. 1, 2020
§ 6	81-12-145	SB 2828	Amended	Jan. 1, 2020
§ 7	81-14-363	SB 2828	Amended	Jan. 1, 2020
§ 8	91-8-103	SB 2828	Amended	Jan. 1, 2020
§ 9	93-14-102	SB 2828	Amended	Jan. 1, 2020
§ 10	93-14-302	SB 2828	Amended	Jan. 1, 2020
§ 11	93-13-3	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-5	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-7	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-9	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-11	SB 2828	Repealed	Jan. 1, 2020

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 11	93-13-13	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-15	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-17	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-19	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-21	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-23	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-25	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-27	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-29	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-31	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-33	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-35	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-37	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-38	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-39	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-41	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-43	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-45	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-47	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-49	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-51	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-53	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-55	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-57	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-59	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-61	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-63	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-65	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-67	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-69	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-71	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-73	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-75	SB 2828	Repealed	Jan. 1, 2020
§ 11	93-13-77	SB 2828	Repealed	Jan. 1, 2020

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 11	93-13-79	SB 2828	Repealed	Jan. 1, 2020
§ 12	93-13-111	SB 2828	Repealed	Jan. 1, 2020
§ 13	93-13-121	SB 2828	Repealed	Jan. 1, 2020
§ 13	93-13-123	SB 2828	Repealed	Jan. 1, 2020
§ 13	93-13-125	SB 2828	Repealed	Jan. 1, 2020
§ 13	93-13-127	SB 2828	Repealed	Jan. 1, 2020
§ 13	93-13-128	SB 2828	Repealed	Jan. 1, 2020
§ 13	93-13-129	SB 2828	Repealed	Jan. 1, 2020
§ 13	93-13-131	SB 2828	Repealed	Jan. 1, 2020
§ 13	93-13-133	SB 2828	Repealed	Jan. 1, 2020
§ 13	93-13-135	SB 2828	Repealed	Jan. 1, 2020
§ 14	93-13-151	SB 2828	Repealed	Jan. 1, 2020
§ 15	93-13-161	SB 2828	Repealed	Jan. 1, 2020
§ 16	93-13-181	SB 2828	Repealed	Jan. 1, 2020
§ 16	93-13-183	SB 2828	Repealed	Jan. 1, 2020
§ 16	93-13-185	SB 2828	Repealed	Jan. 1, 2020
§ 16	93-13-187	SB 2828	Repealed	Jan. 1, 2020
§ 17	93-13-211	SB 2828	Repealed	Jan. 1, 2020
§ 17	93-13-213	SB 2828	Repealed	Jan. 1, 2020
§ 17	93-13-215	SB 2828	Repealed	Jan. 1, 2020
§ 17	93-13-217	SB 2828	Repealed	Jan. 1, 2020
§ 17	93-13-219	SB 2828	Repealed	Jan. 1, 2020
§ 18	93-13-251	SB 2828	Repealed	Jan. 1, 2020
§ 18	93-13-253	SB 2828	Repealed	Jan. 1, 2020
§ 18	93-13-255	SB 2828	Repealed	Jan. 1, 2020
§ 18	93-13-257	SB 2828	Repealed	Jan. 1, 2020
§ 18	93-13-259	SB 2828	Repealed	Jan. 1, 2020
§ 18	93-13-261	SB 2828	Repealed	Jan. 1, 2020
§ 18	93-13-263	SB 2828	Repealed	Jan. 1, 2020
§ 18	93-13-265	SB 2828	Repealed	Jan. 1, 2020
§ 18	93-13-267	SB 2828	Repealed	Jan. 1, 2020
§ 19	93-13-281	SB 2828	Repealed	Jan. 1, 2020
§ 20	Classification Pending	SB 2828	Classification Pending	Jan. 1, 2020

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 21		SB 2828	Eff date	Jan. 1, 2020
464				
§ 1	43-21-105	SB 2840	Amended	July 1, 2019
§ 2	43-21-261	SB 2840	Amended	July 1, 2019
§ 3	43-21-353	SB 2840	Amended	July 1, 2019
§ 4	43-21-121	SB 2840	Amended	July 1, 2019
§ 5	43-21-301	SB 2840	Amended	July 1, 2019
§ 6	43-21-203	SB 2840	Amended	July 1, 2019
§ 7	43-21-613	SB 2840	Amended	July 1, 2019
§ 8	43-21-155	SB 2840	Amended	July 1, 2019
§ 9	43-21-303	SB 2840	Amended	July 1, 2019
§ 10	41-111-1	SB 2840	Amended	July 1, 2019
§ 11	41-111-3	SB 2840	Added	July 1, 2019
§ 12	43-21-257	SB 2840	Amended	July 1, 2019
§ 13	93-17-55	SB 2840	Amended	July 1, 2019
§ 14	93-17-67	SB 2840	Amended	July 1, 2019
§ 15	93-17-69	SB 2840	Amended	July 1, 2019
§ 16	97-35-47	SB 2840	Amended	July 1, 2019
§ 17	93-31-3	SB 2840	Amended	July 1, 2019
§ 18	93-31-5	SB 2840	Amended	July 1, 2019
§ 19		SB 2840	Eff date	July 1, 2019
465				
§ 1	37-101-15	SB 2867	Amended	July 1, 2019
§ 2	31-11-3	SB 2867	Amended	July 1, 2019
§ 3	27-104-7	SB 2867	Amended	July 1, 2019
§ 4	37-101-99	SB 2867	Amended	July 1, 2019
§ 5		SB 2867	Eff date	July 1, 2019
466				
§ 1	Classification Pending	HB 1352	Classification Pending	Oct. 15, 2019
§ 2	9-23-1	HB 1352	Amended	July 1, 2019
§ 3	9-23-3	HB 1352	Amended	July 1, 2019
§ 4	9-23-5	HB 1352	Amended	July 1, 2019
§ 5	9-23-7	HB 1352	Amended	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 6	9-23-9	HB 1352	Amended	July 1, 2019
§ 7	9-23-11	HB 1352	Amended	July 1, 2019
§ 8	9-23-13	HB 1352	Amended	July 1, 2019
§ 9	9-23-15	HB 1352	Amended	July 1, 2019
§ 10	9-23-17	HB 1352	Amended	July 1, 2019
§ 11	9-23-19	HB 1352	Amended	July 1, 2019
§ 12	9-23-21	HB 1352	Amended	July 1, 2019
§ 13	9-23-23	HB 1352	Amended	July 1, 2019
§ 14	9-25-1	HB 1352	Amended	July 1, 2019
§ 15	9-27-1	HB 1352	Amended	July 1, 2019
§ 16	9-27-3	HB 1352	Amended	July 1, 2019
§ 17	9-27-7	HB 1352	Amended	July 1, 2019
§ 18	9-27-9	HB 1352	Amended	July 1, 2019
§ 19	9-27-11	HB 1352	Amended	July 1, 2019
§ 20	9-27-15	HB 1352	Amended	July 1, 2019
§ 21	9-27-17	HB 1352	Amended	July 1, 2019
§ 22	9-27-19	HB 1352	Amended	July 1, 2019
§ 23	9-27-21	HB 1352	Repealed	July 1, 2019
§ 23	9-27-13	HB 1352	Repealed	July 1, 2019
§ 24	25-3-35	HB 1352	Amended	July 1, 2019
§ 25	43-21-357	HB 1352	Amended	July 1, 2019
§ 26	63-11-31.1	HB 1352	Amended	July 1, 2019
§ 27	99-3-45	HB 1352	Amended	July 1, 2019
§ 28	99-19-73	HB 1352	Amended	July 1, 2019
§ 29	63-1-51	HB 1352	Amended	July 1, 2019
§ 30	63-1-53	HB 1352	Amended	July 1, 2019
§ 31	63-1-52	HB 1352	Amended	July 1, 2019
§ 32	63-1-71	HB 1352	Amended	Oct. 15, 2019
§ 33	63-1-46	HB 1352	Amended	July 1, 2019
§ 34	99-19-71	HB 1352	Amended	July 1, 2019
§ 35	47-7-49	HB 1352	Amended	July 1, 2019
§ 36	47-7-40	HB 1352	Amended	July 1, 2019
§ 37	99-5-11	HB 1352	Amended	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 38	Classification Pending	HB 1352	Classification Pending	July 1, 2019
§ 39	21-23-7	HB 1352	Amended	July 1, 2019
§ 40	43-21-159	HB 1352	Amended	July 1, 2019
§ 41	99-15-26	HB 1352	Amended	July 1, 2019
§ 42	99-15-57	HB 1352	Amended	July 1, 2019
§ 43		HB 1352	Eff date	July 1, 2019
467				
§ 1	Classification Pending	SB 2835	Classification Pending	July 1, 2021
§ 2	Classification Pending	SB 2835	Classification Pending	July 1, 2021
§ 3	Classification Pending	SB 2835	Classification Pending	July 1, 2021
§ 4	Classification Pending	SB 2835	Classification Pending	July 1, 2021
§ 5	Classification Pending	SB 2835	Classification Pending	July 1, 2021
§ 6	71-3-9	SB 2835	Amended	July 1, 2021
§ 7		SB 2835	Eff date	July 1, 2021
468				
§ 1	Classification Pending	SB 2328	Classification Pending	July 1, 2019
§ 2	99-13-11	SB 2328	Amended	July 1, 2019
§ 3	41-21-61	SB 2328	Amended	July 1, 2019
§ 4	41-21-63	SB 2328	Amended	July 1, 2019
§ 5	41-21-65	SB 2328	Amended	July 1, 2019
§ 6	41-21-67	SB 2328	Amended	July 1, 2019
§ 7	41-21-69	SB 2328	Amended	July 1, 2019
§ 8	41-21-71	SB 2328	Amended	July 1, 2019
§ 9	41-21-77	SB 2328	Amended	July 1, 2019
§ 10	41-21-79	SB 2328	Amended	July 1, 2019
§ 11	41-21-104	SB 2328	Added	July 1, 2019
§ 12	41-31-1	SB 2328	Amended	July 1, 2019
§ 13	41-31-3	SB 2328	Amended	July 1, 2019
§ 14	41-31-5	SB 2328	Amended	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 15	41-31-11	SB 2328	Amended	July 1, 2019
§ 16	41-31-18	SB 2328	Added	July 1, 2019
§ 17	41-32-3	SB 2328	Amended	July 1, 2019
§ 18	41-32-5	SB 2328	Amended	July 1, 2019
§ 19	41-32-7	SB 2328	Amended	July 1, 2019
§ 20	41-32-11	SB 2328	Amended	July 1, 2019
§ 21	25-31-11	SB 2328	Amended	July 1, 2019
§ 22	41-30-27	SB 2328	Amended	July 1, 2019
§ 23	99-43-35	SB 2328	Amended	July 1, 2019
§ 24		SB 2328	Eff date	July 1, 2019
469				
§ 1	41-29-113	HB 1547	Amended	July 1, 2019
§ 2	41-29-115	HB 1547	Amended	July 1, 2019
§ 3	41-29-121	HB 1547	Amended	July 1, 2019
§ 4	Classification Pending	HB 1547	Classification Pending	July 1, 2019
§ 5		HB 1547	Eff date	July 1, 2019
470				
§ 1	Classification Pending	SB 2781	Classification Pending	July 1, 2019
§ 2	Classification Pending	SB 2781	Classification Pending	July 1, 2019
§ 3	Classification Pending	SB 2781	Classification Pending	July 1, 2019
§ 4	Classification Pending	SB 2781	Classification Pending	July 1, 2019
§ 5	Classification Pending	SB 2781	Classification Pending	July 1, 2019
§ 6	Classification Pending	SB 2781	Classification Pending	July 1, 2019
§ 7		SB 2781	Eff date	July 1, 2019
471				
§ 1	77-3-705	SB 2821	Amended	July 1, 2019
§ 2	77-3-711	SB 2821	Amended	July 1, 2019
§ 3	77-3-725	SB 2821	Amended	July 1, 2019
§ 4	77-3-737	SB 2821	Repealed	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 5		SB 2821	Eff date	July 1, 2019
472				
§ 1	31-5-39	HB 698	Added	AP-Apr. 16, 2019
§ 2		HB 698	Eff date	AP-Apr. 16, 2019
473				
§ 1	97-35-47	SB 2576	Amended	July 1, 2019
§ 2	43-21-257	SB 2576	Amended	July 1, 2019
§ 3	43-21-261	SB 2576	Amended	July 1, 2019
§ 4	43-21-353	SB 2576	Amended	July 1, 2019
§ 5		SB 2576	Eff date	July 1, 2019
474				
§ 1	53-1-7	HB 740	Amended	AP-Apr. 16, 2019
§ 2	53-1-73	HB 740	Amended	AP-Apr. 16, 2019
§ 3	53-1-77	HB 740	Amended	AP-Apr. 16, 2019
§ 4	53-3-13	HB 740	Amended	AP-Apr. 16, 2019
§ 5	53-11-23	HB 740	Amended	AP-Apr. 16, 2019
§ 6	27-104-205	HB 740	Amended	AP-Apr. 16, 2019
§ 7	27-103-303	HB 740	Amended	AP-Apr. 16, 2019
§ 8		HB 740	Eff date	AP-Apr. 16, 2019
475				
§ 1	65-1-179	HB 779	Amended	AP-Apr. 16, 2019
§ 2	19-11-27	HB 779	Amended	AP-Apr. 16, 2019
§ 3	65-7-95	HB 779	Amended	AP-Apr. 16, 2019
§ 4		HB 779	Eff date	AP-Apr. 16, 2019
476				
§ 1	31-18-7	SB 2604	Amended	July 1, 2019
§ 2		SB 2604	Eff date	July 1, 2019
477				
§ 1	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 2	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 3	Classification Pending	SB 2570	Classification Pending	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 5	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 6	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 7	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 8	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 9	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 10	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 11	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 12	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 13	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 14	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 15	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 16	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 17	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 18	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 19	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 20	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 21	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 22	Classification Pending	SB 2570	Classification Pending	July 1, 2019
§ 23	27-19-44	SB 2570	Amended	July 1, 2019
§ 24	Classification Pending	SB 2570	Classification Pending	July 1, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 25	27-19-56.15	SB 2570	Amended	July 1, 2019
§ 26	27-19-56.108	SB 2570	Amended	July 1, 2019
§ 27	27-19-56.315	SB 2570	Amended	July 1, 2019
§ 28	27-19-56.402	SB 2570	Amended	July 1, 2019
§ 29	27-19-56.314	SB 2570	Amended	July 1, 2019
§ 30	27-19-56.342	SB 2570	Amended	July 1, 2019
§ 31	27-19-56.313	SB 2570	Amended	July 1, 2019
§ 32	27-19-53	SB 2570	Amended	July 1, 2019
§ 33	27-19-56.162	SB 2570	Amended	July 1, 2019
§ 34	27-51-41	SB 2570	Amended	July 1, 2019
§ 35	27-19-56.186	SB 2570	Amended	July 1, 2019
§ 36	27-19-52	SB 2570	Amended	July 1, 2019
§ 37		SB 2570	Eff date	July 1, 2019
478				
§ 1	27-65-111	SB 2955	Amended	July 1, 2019
§ 2		SB 2955	Eff date	July 1, 2019
479				
§ 1	37-29-65	HB 1247	Amended	July 1, 2019
§ 2	37-29-457	HB 1247	Amended	July 1, 2019
§ 3		HB 1247	Eff date	July 1, 2019
480				
§ 1	Classification Pending	HB 961	Classification Pending	AP-Apr. 16, 2019
§ 2	Classification Pending	HB 961	Classification Pending	AP-Apr. 16, 2019
§ 3		HB 961	Eff date	AP-Apr. 16, 2019
481				
§ 1	Classification Pending	SB 2541	Classification Pending	AP-Apr. 18, 2019
§ 2	Classification Pending	SB 2541	Classification Pending	AP-Apr. 18, 2019
§ 3	43-13-407	SB 2541	Amended	AP-Apr. 18, 2019
§ 4	Classification Pending	SB 2541	Classification Pending	AP-Apr. 18, 2019
§ 5	Classification Pending	SB 2541	Classification Pending	AP-Apr. 18, 2019

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 6	Classification Pending	SB 2541	Classification Pending	AP-Apr. 18, 2019
§ 7	Classification Pending	SB 2541	Classification Pending	AP-Apr. 18, 2019
§ 8		SB 2541	Eff date	AP-Apr. 18, 2019
482				
§ 1	Classification Pending	SB 2928	Classification Pending	July 1, 2019
§ 2	Classification Pending	SB 2928	Classification Pending	July 1, 2019
§ 3	Classification Pending	SB 2928	Classification Pending	July 1, 2019
§ 4	Classification Pending	SB 2928	Classification Pending	July 1, 2019
§ 5		SB 2928	Eff date	July 1, 2019
483				
§ 1	27-104-25	HB 980	Amended	July 1, 2019
§ 2		HB 980	Eff date	July 1, 2019
484				
§ 1	Classification Pending	HB 1613	Classification Pending	Jan. 1, 2019
§ 2	Classification Pending	HB 1613	Classification Pending	Jan. 1, 2019
§ 3	27-7-22.39	HB 1613	Amended	Jan. 1, 2019
§ 4	27-7-22.32	HB 1613	Amended	Jan. 1, 2019
§ 5	Classification Pending	HB 1613	Classification Pending	Jan. 1, 2019
§ 6	Classification Pending	HB 1613	Classification Pending	Jan. 1, 2019
§ 7		HB 1613	Eff date	Jan. 1, 2019
485				
§ 1	9-1-43	SB 2827	Amended	Jan. 1, 2020
§ 2	23-15-225	SB 2827	Amended	Jan. 1, 2020
§ 3	25-3-3	SB 2827	Amended	Jan. 1, 2020
§ 4	25-3-13	SB 2827	Amended	Jan. 1, 2020
§ 5	25-7-9	SB 2827	Amended	Jan. 1, 2020
§ 6	25-7-13	SB 2827	Amended	Jan. 1, 2020

CUMULATIVE ALLOCATION OF ACTS TABLE

2019 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 7	25-7-19	SB 2827	Amended	Jan. 1, 2020
§ 8	25-7-27	SB 2827	Amended	Jan. 1, 2020
§ 9	41-61-59	SB 2827	Amended	Jan. 1, 2020
§ 10	41-61-75	SB 2827	Amended	Jan. 1, 2020
§ 11	Classification Pending	SB 2827	Classification Pending	July 1, 2019
§ 12	Classification Pending	SB 2827	Classification Pending	AP-Apr. 18, 2019
§ 13	Classification Pending	SB 2827	Classification Pending	AP-Apr. 18, 2019
§ 14		SB 2827	Eff date	Jan. 1, 2020
486				
§ 1	25-15-103	HB 1249	Amended	AP-Apr. 18, 2019
§ 2		HB 1249	Eff date	AP-Apr. 18, 2019
487				
§ 1	77-3-803	SB 2744	Amended	July 1, 2019
§ 2	77-3-805	SB 2744	Amended	July 1, 2019
§ 3	77-3-707	SB 2744	Amended	July 1, 2019
§ 4	77-3-809	SB 2744	Amended	July 1, 2019
§ 5		SB 2744	Eff date	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
7-1-355	ch 451 , § 57	SB 2133	AP-Apr. 3, 2019
9-1-43	ch 485 , § 1	SB 2827	Jan. 1, 2020
9-1-49	ch 463 , § 2	SB 2828	Jan. 1, 2020
9-5-169	ch 443 , § 2	SB 2046	July 1, 2019
9-7-14	ch 456 , § 1	HB 904	AP-Apr. 16, 2019
9-23-1	ch 466 , § 2	HB 1352	July 1, 2019
9-23-3	ch 466 , § 3	HB 1352	July 1, 2019
9-23-5	ch 466 , § 4	HB 1352	July 1, 2019
9-23-7	ch 466 , § 5	HB 1352	July 1, 2019
9-23-9	ch 466 , § 6	HB 1352	July 1, 2019
9-23-11	ch 410 , § 1	SB 2491	AP-Mar. 2, 2019
9-23-11	ch 466 , § 7	HB 1352	July 1, 2019
9-23-13	ch 466 , § 8	HB 1352	July 1, 2019
9-23-15	ch 466 , § 9	HB 1352	July 1, 2019
9-23-17	ch 466 , § 10	HB 1352	July 1, 2019
9-23-19	ch 466 , § 11	HB 1352	July 1, 2019
9-23-21	ch 466 , § 12	HB 1352	July 1, 2019
9-23-23	ch 466 , § 13	HB 1352	July 1, 2019
9-25-1	ch 466 , § 14	HB 1352	July 1, 2019
9-27-1	ch 466 , § 15	HB 1352	July 1, 2019
9-27-3	ch 466 , § 16	HB 1352	July 1, 2019
9-27-7	ch 466 , § 17	HB 1352	July 1, 2019
9-27-9	ch 466 , § 18	HB 1352	July 1, 2019
9-27-11	ch 466 , § 19	HB 1352	July 1, 2019
9-27-13	ch 466 , § 23	HB 1352	July 1, 2019
9-27-15	ch 466 , § 20	HB 1352	July 1, 2019
9-27-17	ch 466 , § 21	HB 1352	July 1, 2019
9-27-19	ch 466 , § 22	HB 1352	July 1, 2019
9-27-21	ch 466 , § 23	HB 1352	July 1, 2019
17-17-5	ch 360 , § 1	HB 1540	July 1, 2019
17-23-1	ch 450 , § 14	HB 444	July 1, 2019
19-3-1	ch 340 , § 4	HB 914	July 1, 2019
19-5-99	ch 333 , § 1	HB 1468	July 1, 2019
19-5-99	ch 363 , § 4	HB 1533	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
19-5-353	ch 420 , § 8	HB 571	July 1, 2019
19-7-39	ch 359 , § 1	HB 1477	July 1, 2019
19-11-27	ch 475 , § 2	HB 779	AP-Apr. 16, 2019
19-25-73	ch 371 , § 1	HB 874	July 1, 2019
21-8-7	ch 340 , § 5	HB 914	July 1, 2019
21-9-15	ch 340 , § 6	HB 914	July 1, 2019
21-23-7	ch 466 , § 39	HB 1352	July 1, 2019
21-37-21	ch 359 , § 2	HB 1477	July 1, 2019
21-45-9	ch 391 , § 2	SB 2425	July 1, 2019
23-15-39	ch 340 , § 7	HB 914	July 1, 2019
23-15-225	ch 485 , § 2	SB 2827	Jan. 1, 2020
23-15-281	ch 340 , § 2	HB 914	July 1, 2019
23-15-283	ch 340 , § 1	HB 914	July 1, 2019
23-15-285	ch 340 , § 3	HB 914	July 1, 2019
23-15-299	ch 362 , § 1	SB 2237	July 1, 2019
23-15-359	ch 362 , § 2	SB 2237	July 1, 2019
23-15-977	ch 402 , § 1	SB 2916	July 1, 2019
25-3-3	ch 485 , § 3	SB 2827	Jan. 1, 2020
25-3-13	ch 485 , § 4	SB 2827	Jan. 1, 2020
25-3-35	ch 466 , § 24	HB 1352	July 1, 2019
25-7-9	ch 485 , § 5	SB 2827	Jan. 1, 2020
25-7-13	ch 385 , § 1	SB 2043	July 1, 2019
25-7-13	ch 485 , § 6	SB 2827	Jan. 1, 2020
25-7-19	ch 485 , § 7	SB 2827	Jan. 1, 2020
25-7-27	ch 485 , § 8	SB 2827	Jan. 1, 2020
25-9-107	ch 432 , § 3	SB 2625	July 1, 2019
25-9-127	ch 382 , § 3	HB 714	July 1, 2019
25-9-301	ch 398 , § 1	SB 2863	July 1, 2019
25-15-103	ch 486 , § 1	HB 1249	AP-Apr. 18, 2019
25-31-1	ch 433 , § 3	SB 2030	July 1, 2019
25-31-11	ch 468 , § 21	SB 2328	July 1, 2019
25-53-1	ch 382 , § 1	HB 714	July 1, 2019
25-53-5	ch 382 , § 2	HB 714	July 1, 2019
25-59-19	ch 443 , § 4	SB 2046	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
25-61-3	ch 423 , § 6	HB 1205	July 1, 2019
25-61-5	ch 369 , § 1	HB 1204	July 1, 2019
25-61-5	ch 443 , § 3	SB 2046	July 1, 2019
25-61-9	ch 369 , § 2	HB 1204	July 1, 2019
25-61-10	ch 443 , § 5	SB 2046	July 1, 2019
25-61-11.2	ch 443 , § 1	SB 2046	July 1, 2019
27-3-52	ch 337 , § 1	SB 2444	July 1, 2019
27-7-21	ch 396 , § 4	SB 2271	July 1, 2019
27-7-22.7	ch 321 , § 1	HB 694	July 1, 2019
27-7-22.9	ch 321 , § 2	HB 694	July 1, 2019
27-7-22.25	ch 321 , § 4	HB 694	July 1, 2019
27-7-22.26	ch 321 , § 5	HB 694	July 1, 2019
27-7-22.32	ch 484 , § 4	HB 1613	Jan. 1, 2019
27-7-22.36	ch 334 , § 1	HB 808	Jan. 1, 2019
27-7-22.39	ch 484 , § 3	HB 1613	Jan. 1, 2019
27-7-23	ch 344 , § 2	HB 1699	Jan. 1, 2019
27-7-24.9	ch 344 , § 1	HB 1699	Jan. 1, 2019
27-7-83	ch 345 , § 13	HB 991	Jan. 1, 2019
27-13-5	ch 396 , § 5	SB 2271	July 1, 2019
27-13-7	ch 396 , § 6	SB 2271	July 1, 2019
27-19-44	ch 477 , § 23	SB 2570	July 1, 2019
27-19-52	ch 477 , § 36	SB 2570	July 1, 2019
27-19-53	ch 477 , § 32	SB 2570	July 1, 2019
27-19-56.15	ch 477 , § 25	SB 2570	July 1, 2019
27-19-81	ch 357 , § 1	HB 754	July 1, 2019
27-31-101	ch 422 , § 1	HB 1668	AP-Mar. 28, 2019
27-31-104	ch 422 , § 2	HB 1668	AP-Mar. 28, 2019
27-31-104	ch 439 , § 1	SB 2056	July 1, 2019
27-31-105	ch 422 , § 3	HB 1668	AP-Mar. 28, 2019
27-45-27	ch 457 , § 1	HB 1307	July 1, 2019
27-51-41	ch 477 , § 34	SB 2570	July 1, 2019
27-65-75	ch 391 , § 1	SB 2425	July 1, 2019
27-65-75	ch 447 , § 2	SB 2193	July 1, 2019
27-65-107	ch 396 , § 3	SB 2271	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
27-65-111	ch 478 , § 1	SB 2955	July 1, 2019
27-65-201	ch 389 , § 1	SB 2229	July 1, 2019
27-103-159	ch 444 , § 1	SB 2392	July 1, 2019
27-103-303	ch 474 , § 7	HB 740	AP-Apr. 16, 2019
27-104-7	ch 329 , § 2	SB 2918	AP-Mar. 15, 2019
27-104-7	ch 382 , § 4	HB 714	July 1, 2019
27-104-7	ch 465 , § 3	SB 2867	July 1, 2019
27-104-13	ch 327 , § 1	SB 2947	AP-Mar. 15, 2019
27-104-13	ch 432 , § 9	SB 2625	July 1, 2019
27-104-25	ch 483 , § 1	HB 980	July 1, 2019
27-104-205	ch 474 , § 6	HB 740	AP-Apr. 16, 2019
27-104-301	ch 454 , § 56	SB 3065	AP-Apr. 12, 2019
27-19-56.108	ch 477 , § 26	SB 2570	July 1, 2019
27-19-56.162	ch 477 , § 33	SB 2570	July 1, 2019
27-19-56.186	ch 477 , § 35	SB 2570	July 1, 2019
27-19-56.313	ch 477 , § 31	SB 2570	July 1, 2019
27-19-56.314	ch 477 , § 29	SB 2570	July 1, 2019
27-19-56.315	ch 477 , § 27	SB 2570	July 1, 2019
27-19-56.342	ch 477 , § 30	SB 2570	July 1, 2019
27-19-56.402	ch 477 , § 28	SB 2570	July 1, 2019
29-1-75	ch 331 , § 1	HB 807	July 1, 2019
29-5-13	ch 335 , § 1	HB 84	July 1, 2019
31-5-39	ch 472 , § 1	HB 698	AP-Apr. 16, 2019
31-5-55	ch 346 , § 3	HB 869	July 1, 2019
31-7-1	ch 432 , § 4	SB 2625	July 1, 2019
31-7-14	ch 379 , § 1	SB 2876	July 1, 2019
31-7-111	ch 443 , § 6	SB 2046	July 1, 2019
31-11-3	ch 465 , § 2	SB 2867	July 1, 2019
31-18-7	ch 476 , § 1	SB 2604	July 1, 2019
33-13-31	ch 407 , § 1	SB 2679	July 1, 2019
33-13-159	ch 408 , § 1	SB 2680	July 1, 2019
33-15-17	ch 364 , § 1	SB 2243	July 1, 2019
35-1-1	ch 397 , § 1	SB 2839	July 1, 2019
35-1-21	ch 392 , § 1	SB 2723	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
37-3-2	ch 455 , § 1	HB 578	July 1, 2019
37-3-82	ch 427 , § 7	HB 1283	July 1, 2019
37-3-83	ch 427 , § 3	HB 1283	July 1, 2019
37-3-87	ch 305 , § 1	HB 1322	July 1, 2019
37-3-89	ch 427 , § 5	HB 1283	July 1, 2019
37-3-91	ch 427 , § 6	HB 1283	July 1, 2019
37-3-93	ch 427 , § 4	HB 1283	July 1, 2019
37-4-3	ch 436 , § 1	SB 2749	AP-Mar. 29, 2019
37-5-9	ch 308 , § 1	HB 654	July 1, 2019
37-7-307	ch 307 , § 1	HB 572	July 1, 2019
37-7-307	ch 432 , § 5	SB 2625	July 1, 2019
37-7-711	ch 308 , § 2	HB 654	July 1, 2019
37-9-13	ch 362 , § 3	SB 2237	July 1, 2019
37-9-17	ch 432 , § 6	SB 2625	July 1, 2019
37-9-59	ch 432 , § 7	SB 2625	July 1, 2019
37-9-103	ch 432 , § 8	SB 2625	July 1, 2019
37-11-5	ch 427 , § 2	HB 1283	July 1, 2019
37-11-57	ch 354 , § 1	HB 1182	July 1, 2019
37-19-7	ch 461 , § 1	SB 2770	July 1, 2019
37-21-7	ch 461 , § 2	SB 2770	July 1, 2019
37-26-11	ch 412 , § 1	SB 2196	July 1, 2019
37-29-65	ch 479 , § 1	HB 1247	July 1, 2019
37-29-457	ch 479 , § 2	HB 1247	July 1, 2019
37-101-15	ch 465 , § 1	SB 2867	July 1, 2019
37-101-99	ch 465 , § 4	SB 2867	July 1, 2019
37-103-19	ch 438 , § 1	SB 2049	July 1, 2019
37-106-57	ch 462 , § 2	HB 150	July 1, 2019
37-106-57	ch 462 , § 3	HB 150	July 1, 2019
37-106-71	ch 462 , § 1	HB 150	July 1, 2019
37-140-5	ch 432 , § 1	SB 2625	July 1, 2019
37-140-9	ch 432 , § 2	SB 2625	July 1, 2019
37-144-3	ch 441 , § 1	SB 2524	July 1, 2019
37-144-5	ch 441 , § 2	SB 2524	July 1, 2019
37-144-7	ch 441 , § 3	SB 2524	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
37-153-1	ch 451 , § 1	SB 2133	AP-Apr. 3, 2019
37-153-3	ch 451 , § 2	SB 2133	AP-Apr. 3, 2019
37-153-5	ch 451 , § 3	SB 2133	AP-Apr. 3, 2019
37-153-7	ch 451 , § 4	SB 2133	AP-Apr. 3, 2019
37-153-9	ch 451 , § 5	SB 2133	AP-Apr. 3, 2019
37-153-11	ch 451 , § 6	SB 2133	AP-Apr. 3, 2019
37-153-13	ch 451 , § 7	SB 2133	AP-Apr. 3, 2019
37-153-15	ch 434 , § 1	SB 2447	July 1, 2019
39-5-6	ch 335 , § 2	HB 84	July 1, 2019
39-5-145	ch 454 , § 18	SB 3065	AP-Apr. 12, 2019
41-7-201	ch 367 , § 1	HB 626	July 1, 2019
41-13-10	ch 442 , § 1	SB 2892	July 1, 2019
41-13-15	ch 442 , § 2	SB 2892	July 1, 2019
41-13-29	ch 306 , § 1	HB 273	July 1, 2019
41-21-61	ch 468 , § 3	SB 2328	July 1, 2019
41-21-63	ch 468 , § 4	SB 2328	July 1, 2019
41-21-65	ch 468 , § 5	SB 2328	July 1, 2019
41-21-67	ch 468 , § 6	SB 2328	July 1, 2019
41-21-69	ch 468 , § 7	SB 2328	July 1, 2019
41-21-71	ch 468 , § 8	SB 2328	July 1, 2019
41-21-77	ch 468 , § 9	SB 2328	July 1, 2019
41-21-79	ch 468 , § 10	SB 2328	July 1, 2019
41-21-104	ch 468 , § 11	SB 2328	July 1, 2019
41-29-113	ch 469 , § 1	HB 1547	July 1, 2019
41-29-115	ch 469 , § 2	HB 1547	July 1, 2019
41-29-121	ch 469 , § 3	HB 1547	July 1, 2019
41-30-27	ch 468 , § 22	SB 2328	July 1, 2019
41-31-1	ch 468 , § 12	SB 2328	July 1, 2019
41-31-3	ch 468 , § 13	SB 2328	July 1, 2019
41-31-5	ch 468 , § 14	SB 2328	July 1, 2019
41-31-11	ch 468 , § 15	SB 2328	July 1, 2019
41-31-18	ch 468 , § 16	SB 2328	July 1, 2019
41-32-3	ch 468 , § 17	SB 2328	July 1, 2019
41-32-5	ch 468 , § 18	SB 2328	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
41-32-7	ch 468 , § 19	SB 2328	July 1, 2019
41-32-11	ch 468 , § 20	SB 2328	July 1, 2019
41-41-34.1	ch 349 , § 1	SB 2116	July 1, 2019
41-60-11	ch 370 , § 1	HB 1313	July 1, 2019
41-61-53	ch 310 , § 1	SB 2161	AP-Mar. 14, 2019
41-61-55	ch 310 , § 2	SB 2161	AP-Mar. 14, 2019
41-61-55	ch 312 , § 2	HB 913	July 1, 2019
41-61-59	ch 485 , § 9	SB 2827	Jan. 1, 2020
41-61-75	ch 485 , § 10	SB 2827	Jan. 1, 2020
41-61-77	ch 310 , § 3	SB 2161	AP-Mar. 14, 2019
41-99-5	ch 353 , § 1	HB 584	July 1, 2019
41-111-1	ch 464 , § 10	SB 2840	July 1, 2019
41-111-3	ch 464 , § 11	SB 2840	July 1, 2019
43-1-1	ch 372 , § 1	HB 1147	July 1, 2019
43-1-2	ch 372 , § 2	HB 1147	July 1, 2019
43-1-3	ch 372 , § 3	HB 1147	July 1, 2019
43-1-5	ch 372 , § 4	HB 1147	July 1, 2019
43-1-30	ch 451 , § 48	SB 2133	AP-Apr. 3, 2019
43-1-55	ch 420 , § 10	HB 571	July 1, 2019
43-13-407	ch 481 , § 3	SB 2541	AP-Apr. 18, 2019
43-15-13	ch 420 , § 2	HB 571	July 1, 2019
43-15-51	ch 420 , § 3	HB 571	July 1, 2019
43-17-5	ch 451 , § 49	SB 2133	AP-Apr. 3, 2019
43-19-45	ch 451 , § 50	SB 2133	AP-Apr. 3, 2019
43-19-46	ch 451 , § 51	SB 2133	AP-Apr. 3, 2019
43-21-105	ch 420 , § 6	HB 571	July 1, 2019
43-21-105	ch 464 , § 1	SB 2840	July 1, 2019
43-21-121	ch 464 , § 4	SB 2840	July 1, 2019
43-21-155	ch 464 , § 8	SB 2840	July 1, 2019
43-21-159	ch 466 , § 40	HB 1352	July 1, 2019
43-21-203	ch 464 , § 6	SB 2840	July 1, 2019
43-21-257	ch 464 , § 12	SB 2840	July 1, 2019
43-21-257	ch 473 , § 2	SB 2576	July 1, 2019
43-21-261	ch 464 , § 2	SB 2840	July 1, 2019

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
43-21-261	ch 473 , § 3	SB 2576	July 1, 2019
43-21-301	ch 464 , § 5	SB 2840	July 1, 2019
43-21-303	ch 464 , § 9	SB 2840	July 1, 2019
43-21-321	ch 429 , § 1	SB 2449	July 1, 2019
43-21-353	ch 350 , § 1	HB 1117	July 1, 2019
43-21-353	ch 420 , § 5	HB 571	July 1, 2019
43-21-353	ch 464 , § 3	SB 2840	July 1, 2019
43-21-353	ch 473 , § 4	SB 2576	July 1, 2019
43-21-357	ch 466 , § 25	HB 1352	July 1, 2019
43-21-613	ch 464 , § 7	SB 2840	July 1, 2019
43-27-20	ch 372 , § 5	HB 1147	July 1, 2019
43-27-39	ch 363 , § 3	HB 1533	July 1, 2019
43-33-729	ch 400 , § 1	HB 1126	June 30, 2019
43-33-729	ch 430 , § 1	SB 2602	AP-Mar. 29, 2019
43-47-7	ch 420 , § 13	HB 571	July 1, 2019
43-47-19	ch 368 , § 1	HB 1075	July 1, 2019
43-47-29	ch 463 , § 3	SB 2828	Jan. 1, 2020
45-1-2	ch 312 , § 1	HB 913	July 1, 2019
45-1-2	ch 427 , § 9	HB 1283	July 1, 2019
45-1-29	ch 312 , § 3	HB 913	July 1, 2019
45-6-7	ch 420 , § 9	HB 571	July 1, 2019
45-9-103	ch 463 , § 4	SB 2828	Jan. 1, 2020
45-9-171	ch 365 , § 1	HB 390	July 1, 2019
45-33-23	ch 405 , § 3	SB 2532	July 1, 2019
45-33-32	ch 405 , § 2	SB 2532	July 1, 2019
45-33-59	ch 405 , § 1	SB 2532	July 1, 2019
47-5-193	ch 449 , § 1	SB 2704	AP-Apr. 3, 2019
47-7-40	ch 466 , § 36	HB 1352	July 1, 2019
47-7-49	ch 466 , § 35	HB 1352	July 1, 2019
49-15-46	ch 381 , § 1	HB 1269	July 1, 2019
49-17-85	ch 415 , § 2	HB 1568	July 1, 2019
49-17-707	ch 401 , § 1	SB 2687	July 1, 2019
49-17-709	ch 401 , § 2	SB 2687	July 1, 2019
49-17-711	ch 401 , § 3	SB 2687	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
49-17-713	ch 401 , § 4	SB 2687	July 1, 2019
51-37-3	ch 454 , § 16	SB 3065	AP-Apr. 12, 2019
53-1-7	ch 474 , § 1	HB 740	AP-Apr. 16, 2019
53-1-73	ch 474 , § 2	HB 740	AP-Apr. 16, 2019
53-1-77	ch 474 , § 3	HB 740	AP-Apr. 16, 2019
53-3-13	ch 474 , § 4	HB 740	AP-Apr. 16, 2019
53-11-23	ch 474 , § 5	HB 740	AP-Apr. 16, 2019
57-1-16	ch 453 , § 1	SB 2272	July 1, 2019
57-1-18	ch 453 , § 2	SB 2272	July 1, 2019
57-1-18	ch 454 , § 20	SB 3065	AP-Apr. 12, 2019
57-1-221	ch 453 , § 3	SB 2272	July 1, 2019
57-1-303	ch 348 , § 1	HB 713	July 1, 2019
57-1-421	ch 453 , § 4	SB 2272	July 1, 2019
57-1-601	ch 453 , § 5	SB 2272	AP-Apr. 12, 2019
57-1-601	ch 454 , § 51	SB 3065	AP-Apr. 12, 2019
57-1-701	ch 421 , § 2	HB 1427	July 1, 2019
57-1-701	ch 453 , § 6	SB 2272	July 1, 2019
57-10-701	ch 347 , § 1	HB 1132	July 1, 2019
57-10-703	ch 347 , § 2	HB 1132	July 1, 2019
57-10-705	ch 347 , § 3	HB 1132	July 1, 2019
57-10-707	ch 347 , § 4	HB 1132	July 1, 2019
57-10-709	ch 347 , § 5	HB 1132	July 1, 2019
57-10-711	ch 347 , § 6	HB 1132	July 1, 2019
57-39-21	ch 399 , § 1	HB 1362	July 1, 2019
57-46-1	ch 453 , § 7	SB 2272	July 1, 2019
57-61-25	ch 421 , § 4	HB 1427	July 1, 2019
57-61-25	ch 453 , § 8	SB 2272	July 1, 2019
57-61-36	ch 421 , § 5	HB 1427	July 1, 2019
57-62-5	ch 451 , § 52	SB 2133	AP-Apr. 3, 2019
57-62-9	ch 451 , § 53	SB 2133	AP-Apr. 3, 2019
57-73-21	ch 332 , § 1	HB 695	July 1, 2019
57-75-5	ch 451 , § 54	SB 2133	AP-Apr. 3, 2019
57-75-15	ch 421 , § 6	HB 1427	July 1, 2019
57-80-7	ch 451 , § 55	SB 2133	AP-Apr. 3, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
57-80-9	ch 355 , § 1	SB 2885	AP-Mar. 21, 2019
57-85-5	ch 453 , § 9	SB 2272	July 1, 2019
57-89-3	ch 452 , § 1	SB 2603	AP-Apr. 8, 2019
57-93-1	ch 453 , § 10	SB 2272	July 1, 2019
57-95-1	ch 453 , § 11	SB 2272	July 1, 2019
57-105-1	ch 351 , § 1	SB 2598	July 1, 2019
57-111-1	ch 453 , § 12	SB 2272	July 1, 2019
57-113-1	ch 418 , § 1	HB 1431	July 1, 2019
57-113-21	ch 396 , § 1	SB 2271	July 1, 2019
57-113-25	ch 396 , § 2	SB 2271	July 1, 2019
61-3-3	ch 302 , § 1	SB 2802	AP-Mar. 6, 2019
61-3-21	ch 302 , § 2	SB 2802	AP-Mar. 6, 2019
61-13-5	ch 329 , § 1	SB 2918	AP-Mar. 15, 2019
63-1-46	ch 466 , § 33	HB 1352	July 1, 2019
63-1-51	ch 466 , § 29	HB 1352	July 1, 2019
63-1-52	ch 466 , § 31	HB 1352	July 1, 2019
63-1-53	ch 466 , § 30	HB 1352	July 1, 2019
63-1-71	ch 466 , § 32	HB 1352	Oct. 15, 2019
63-1-203	ch 311 , § 1	HB 751	July 1, 2019
63-3-516	ch 356 , § 2	HB 580	July 1, 2019
63-3-615	ch 352 , § 1	HB 677	July 1, 2019
63-5-19	ch 374 , § 1	HB 1329	July 1, 2019
63-5-23	ch 374 , § 2	HB 1329	July 1, 2019
63-11-31.1	ch 466 , § 26	HB 1352	July 1, 2019
63-17-73	ch 394 , § 1	HB 872	July 1, 2019
63-17-75	ch 325 , § 1	HB 785	July 1, 2019
65-1-3	ch 433 , § 2	SB 2030	July 1, 2019
65-1-179	ch 475 , § 1	HB 779	AP-Apr. 16, 2019
65-4-15	ch 453 , § 13	SB 2272	July 1, 2019
65-4-25	ch 421 , § 7	HB 1427	July 1, 2019
65-7-95	ch 475 , § 3	HB 779	AP-Apr. 16, 2019
69-1-1	ch 433 , § 4	SB 2030	July 1, 2019
69-1-18	ch 338 , § 1	HB 1206	July 1, 2019
69-2-5	ch 451 , § 56	SB 2133	AP-Apr. 3, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
71-3-9	ch 467 , § 6	SB 2835	July 1, 2021
71-5-5	ch 451 , § 8	SB 2133	AP-Apr. 3, 2019
71-5-11	ch 451 , § 9	SB 2133	AP-Apr. 3, 2019
71-5-19	ch 451 , § 10	SB 2133	AP-Apr. 3, 2019
71-5-101	ch 451 , § 11	SB 2133	AP-Apr. 3, 2019
71-5-107	ch 451 , § 12	SB 2133	AP-Apr. 3, 2019
71-5-109	ch 451 , § 13	SB 2133	AP-Apr. 3, 2019
71-5-111	ch 451 , § 14	SB 2133	AP-Apr. 3, 2019
71-5-112	ch 451 , § 15	SB 2133	AP-Apr. 3, 2019
71-5-113	ch 451 , § 16	SB 2133	AP-Apr. 3, 2019
71-5-114	ch 451 , § 17	SB 2133	AP-Apr. 3, 2019
71-5-115	ch 451 , § 18	SB 2133	AP-Apr. 3, 2019
71-5-117	ch 451 , § 19	SB 2133	AP-Apr. 3, 2019
71-5-119	ch 451 , § 20	SB 2133	AP-Apr. 3, 2019
71-5-121	ch 451 , § 21	SB 2133	AP-Apr. 3, 2019
71-5-123	ch 451 , § 22	SB 2133	AP-Apr. 3, 2019
71-5-125	ch 451 , § 23	SB 2133	AP-Apr. 3, 2019
71-5-127	ch 451 , § 24	SB 2133	AP-Apr. 3, 2019
71-5-129	ch 451 , § 25	SB 2133	AP-Apr. 3, 2019
71-5-131	ch 451 , § 26	SB 2133	AP-Apr. 3, 2019
71-5-133	ch 451 , § 27	SB 2133	AP-Apr. 3, 2019
71-5-135	ch 451 , § 28	SB 2133	AP-Apr. 3, 2019
71-5-137	ch 451 , § 29	SB 2133	AP-Apr. 3, 2019
71-5-139	ch 451 , § 30	SB 2133	AP-Apr. 3, 2019
71-5-141	ch 451 , § 31	SB 2133	AP-Apr. 3, 2019
71-5-143	ch 451 , § 32	SB 2133	AP-Apr. 3, 2019
71-5-201	ch 451 , § 33	SB 2133	AP-Apr. 3, 2019
71-5-357	ch 451 , § 34	SB 2133	AP-Apr. 3, 2019
71-5-359	ch 451 , § 35	SB 2133	AP-Apr. 3, 2019
71-5-451	ch 451 , § 36	SB 2133	AP-Apr. 3, 2019
71-5-457	ch 451 , § 37	SB 2133	AP-Apr. 3, 2019
71-5-511	ch 451 , § 38	SB 2133	AP-Apr. 3, 2019
71-5-513	ch 451 , § 39	SB 2133	AP-Apr. 3, 2019
71-5-517	ch 451 , § 40	SB 2133	AP-Apr. 3, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
71-5-519	ch 451 , § 41	SB 2133	AP-Apr. 3, 2019
71-5-523	ch 451 , § 42	SB 2133	AP-Apr. 3, 2019
71-5-525	ch 451 , § 43	SB 2133	AP-Apr. 3, 2019
71-5-529	ch 451 , § 44	SB 2133	AP-Apr. 3, 2019
71-5-531	ch 451 , § 45	SB 2133	AP-Apr. 3, 2019
71-5-541	ch 451 , § 46	SB 2133	AP-Apr. 3, 2019
73-7-12	ch 413 , § 1	SB 2766	July 1, 2019
73-13-15	ch 328 , § 2	HB 1288	July 1, 2019
73-13-31	ch 328 , § 1	HB 1288	July 1, 2019
73-13-43	ch 328 , § 3	HB 1288	July 1, 2019
73-13-85	ch 328 , § 4	HB 1288	July 1, 2019
73-13-105	ch 328 , § 5	HB 1288	July 1, 2019
73-15-29	ch 378 , § 1	HB 1519	July 1, 2019
73-15-101	ch 375 , § 2	HB 1048	July 1, 2019
73-21-73	ch 366 , § 1	SB 2365	July 1, 2019
73-21-117	ch 366 , § 2	SB 2365	July 1, 2019
73-21-119	ch 366 , § 3	SB 2365	July 1, 2019
73-21-126	ch 373 , § 1	HB 1226	July 1, 2019
73-21-127	ch 366 , § 4	SB 2365	July 1, 2019
73-25-19	ch 377 , § 5	HB 977	AP-Mar. 21, 2019
73-25-29	ch 349 , § 2	SB 2116	July 1, 2019
73-26-3	ch 376 , § 1	HB 798	July 1, 2019
73-30-25	ch 451 , § 47	SB 2133	AP-Apr. 3, 2019
73-34-3	ch 390 , § 2	SB 2697	July 1, 2019
73-34-5	ch 390 , § 3	SB 2697	July 1, 2019
73-34-9	ch 390 , § 4	SB 2697	July 1, 2019
73-34-16	ch 390 , § 1	SB 2697	July 1, 2019
73-34-17	ch 390 , § 5	SB 2697	July 1, 2019
73-34-21	ch 390 , § 6	SB 2697	July 1, 2019
73-34-33	ch 390 , § 7	SB 2697	July 1, 2019
73-34-45	ch 390 , § 8	SB 2697	July 1, 2019
73-34-103	ch 387 , § 1	SB 2451	July 1, 2019
73-34-117	ch 380 , § 1	SB 2869	July 1, 2019
73-35-9	ch 339 , § 1	HB 1292	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
73-35-18	ch 339 , § 2	HB 1292	July 1, 2019
73-35-35	ch 339 , § 3	HB 1292	July 1, 2019
73-50-1	ch 445 , § 1	SB 2452	AP-Mar. 29, 2019
75-29-19	ch 338 , § 2	HB 1206	July 1, 2019
75-35-15	ch 303 , § 1	SB 2922	July 1, 2019
75-60-3	ch 384 , § 1	SB 2737	July 1, 2019
75-60-17	ch 384 , § 2	SB 2737	July 1, 2019
75-60-23	ch 384 , § 3	SB 2737	July 1, 2019
75-60-25	ch 384 , § 4	SB 2737	July 1, 2019
77-3-705	ch 471 , § 1	SB 2821	July 1, 2019
77-3-707	ch 487 , § 3	SB 2744	July 1, 2019
77-3-711	ch 471 , § 2	SB 2821	July 1, 2019
77-3-725	ch 471 , § 3	SB 2821	July 1, 2019
77-3-737	ch 471 , § 4	SB 2821	July 1, 2019
77-3-803	ch 487 , § 1	SB 2744	July 1, 2019
77-3-805	ch 487 , § 2	SB 2744	July 1, 2019
77-3-809	ch 487 , § 4	SB 2744	July 1, 2019
77-5-205	ch 301 , § 9	HB 366	AP-Jan. 30, 2019
77-5-231	ch 301 , § 10	HB 366	AP-Jan. 30, 2019
81-5-1	ch 431 , § 1	SB 2817	AP-Mar. 29, 2019
81-5-62	ch 463 , § 5	SB 2828	Jan. 1, 2020
81-12-145	ch 463 , § 6	SB 2828	Jan. 1, 2020
81-14-363	ch 463 , § 7	SB 2828	Jan. 1, 2020
81-22-1	ch 323 , § 1	HB 800	July 1, 2019
81-22-3	ch 323 , § 2	HB 800	July 1, 2019
81-22-5	ch 323 , § 3	HB 800	July 1, 2019
81-22-7	ch 323 , § 4	HB 800	July 1, 2019
81-22-9	ch 323 , § 5	HB 800	July 1, 2019
81-22-11	ch 323 , § 6	HB 800	July 1, 2019
81-22-13	ch 323 , § 7	HB 800	July 1, 2019
81-22-15	ch 323 , § 8	HB 800	July 1, 2019
81-22-17	ch 323 , § 9	HB 800	July 1, 2019
81-22-19	ch 323 , § 10	HB 800	July 1, 2019
81-22-21	ch 323 , § 11	HB 800	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
81-22-23	ch 323 , § 12	HB 800	July 1, 2019
81-22-25	ch 323 , § 13	HB 800	July 1, 2019
81-22-27	ch 323 , § 14	HB 800	July 1, 2019
81-22-28	ch 323 , § 15	HB 800	July 1, 2019
81-22-31	ch 323 , § 16	HB 800	July 1, 2019
83-5-102	ch 326 , § 1	HB 323	Jan. 1, 2020
83-5-119	ch 326 , § 2	HB 323	Jan. 1, 2020
83-5-120	ch 326 , § 3	HB 323	Jan. 1, 2020
83-9-5	ch 383 , § 1	HB 628	July 1, 2019
83-17-53	ch 324 , § 1	HB 630	July 1, 2019
83-17-63	ch 324 , § 2	HB 630	July 1, 2019
83-23-109	ch 304 , § 1	SB 2864	July 1, 2019
83-23-115	ch 304 , § 2	SB 2864	July 1, 2019
83-34-1	ch 450 , § 1	HB 444	July 1, 2019
83-34-3	ch 450 , § 2	HB 444	July 1, 2019
83-34-4	ch 450 , § 3	HB 444	July 1, 2019
83-34-5	ch 450 , § 4	HB 444	July 1, 2019
83-34-9	ch 450 , § 5	HB 444	July 1, 2019
83-34-10	ch 450 , § 6	HB 444	July 1, 2019
83-34-11	ch 450 , § 13	HB 444	July 1, 2019
83-34-12	ch 450 , § 7	HB 444	July 1, 2019
83-34-13	ch 450 , § 8	HB 444	July 1, 2019
83-34-23	ch 450 , § 9	HB 444	July 1, 2019
83-34-31	ch 450 , § 10	HB 444	July 1, 2019
83-34-33	ch 450 , § 11	HB 444	July 1, 2019
83-34-35	ch 450 , § 12	HB 444	July 1, 2019
83-51-1	ch 342 , § 1	HB 752	July 1, 2019
83-65-103	ch 358 , § 1	HB 925	July 1, 2019
85-5-7	ch 435 , § 2	SB 2901	July 1, 2019
85-7-301	ch 425 , § 1	SB 2012	July 1, 2019
85-7-303	ch 425 , § 2	SB 2012	July 1, 2019
85-7-305	ch 425 , § 3	SB 2012	July 1, 2019
85-7-307	ch 425 , § 4	SB 2012	July 1, 2019
85-7-309	ch 425 , § 5	SB 2012	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
85-7-311	ch 425 , § 6	SB 2012	July 1, 2019
85-7-313	ch 425 , § 7	SB 2012	July 1, 2019
85-7-315	ch 425 , § 8	SB 2012	July 1, 2019
85-7-317	ch 425 , § 9	SB 2012	July 1, 2019
85-7-431	ch 346 , § 2	HB 869	July 1, 2019
85-7-432	ch 346 , § 1	HB 869	July 1, 2019
89-1-69	ch 330 , § 1	HB 962	July 1, 2019
89-7-31	ch 386 , § 1	SB 2716	AP-Mar. 22, 2019
89-7-35	ch 386 , § 2	SB 2716	AP-Mar. 22, 2019
89-7-41	ch 386 , § 3	SB 2716	AP-Mar. 22, 2019
89-7-45	ch 386 , § 4	SB 2716	AP-Mar. 22, 2019
91-7-90	ch 458 , § 11	HB 1375	July 1, 2019
91-7-91	ch 458 , § 12	HB 1375	July 1, 2019
91-7-93	ch 458 , § 1	HB 1375	July 1, 2019
91-7-95	ch 458 , § 2	HB 1375	July 1, 2019
91-7-109	ch 458 , § 3	HB 1375	July 1, 2019
91-7-111	ch 458 , § 23	HB 1375	July 1, 2019
91-7-113	ch 458 , § 25	HB 1375	July 1, 2019
91-7-115	ch 458 , § 24	HB 1375	July 1, 2019
91-7-117	ch 458 , § 4	HB 1375	July 1, 2019
91-7-135	ch 458 , § 5	HB 1375	July 1, 2019
91-7-137	ch 458 , § 19	HB 1375	July 1, 2019
91-7-139	ch 458 , § 20	HB 1375	July 1, 2019
91-7-141	ch 458 , § 6	HB 1375	July 1, 2019
91-7-191	ch 458 , § 13	HB 1375	July 1, 2019
91-7-195	ch 458 , § 14	HB 1375	July 1, 2019
91-7-199	ch 458 , § 15	HB 1375	July 1, 2019
91-7-255	ch 458 , § 7	HB 1375	July 1, 2019
91-7-257	ch 458 , § 21	HB 1375	July 1, 2019
91-7-261	ch 458 , § 16	HB 1375	July 1, 2019
91-7-271	ch 458 , § 17	HB 1375	July 1, 2019
91-7-277	ch 458 , § 8	HB 1375	July 1, 2019
91-7-279	ch 458 , § 22	HB 1375	July 1, 2019
91-7-291	ch 458 , § 9	HB 1375	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
91-7-297	ch 458 , § 10	HB 1375	July 1, 2019
91-7-322	ch 458 , § 18	HB 1375	July 1, 2019
91-8-103	ch 463 , § 8	SB 2828	Jan. 1, 2020
93-13-3	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-5	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-7	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-9	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-11	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-13	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-13	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-15	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-17	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-19	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-21	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-23	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-25	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-27	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-29	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-31	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-33	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-35	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-37	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-38	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-39	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-41	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-43	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-45	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-47	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-49	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-51	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-53	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-55	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-57	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-59	ch 463 , § 11	SB 2828	Jan. 1, 2020

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
93-13-61	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-63	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-65	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-67	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-69	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-71	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-73	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-75	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-77	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-79	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-79	ch 463 , § 11	SB 2828	Jan. 1, 2020
93-13-111	ch 463 , § 12	SB 2828	Jan. 1, 2020
93-13-121	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-121	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-123	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-123	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-125	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-125	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-127	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-127	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-128	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-128	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-129	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-129	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-131	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-131	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-133	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-133	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-135	ch 463 , § 13	SB 2828	Jan. 1, 2020
93-13-151	ch 463 , § 14	SB 2828	Jan. 1, 2020
93-13-161	ch 463 , § 15	SB 2828	Jan. 1, 2020
93-13-181	ch 463 , § 16	SB 2828	Jan. 1, 2020
93-13-183	ch 463 , § 16	SB 2828	Jan. 1, 2020
93-13-185	ch 463 , § 16	SB 2828	Jan. 1, 2020

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
93-13-187	ch 463 , § 16	SB 2828	Jan. 1, 2020
93-13-211	ch 463 , § 17	SB 2828	Jan. 1, 2020
93-13-213	ch 463 , § 17	SB 2828	Jan. 1, 2020
93-13-215	ch 463 , § 17	SB 2828	Jan. 1, 2020
93-13-217	ch 463 , § 17	SB 2828	Jan. 1, 2020
93-13-219	ch 463 , § 17	SB 2828	Jan. 1, 2020
93-13-251	ch 463 , § 18	SB 2828	Jan. 1, 2020
93-13-253	ch 463 , § 18	SB 2828	Jan. 1, 2020
93-13-255	ch 463 , § 18	SB 2828	Jan. 1, 2020
93-13-257	ch 463 , § 18	SB 2828	Jan. 1, 2020
93-13-259	ch 463 , § 18	SB 2828	Jan. 1, 2020
93-13-261	ch 463 , § 18	SB 2828	Jan. 1, 2020
93-13-263	ch 463 , § 18	SB 2828	Jan. 1, 2020
93-13-265	ch 463 , § 18	SB 2828	Jan. 1, 2020
93-13-267	ch 463 , § 18	SB 2828	Jan. 1, 2020
93-13-281	ch 463 , § 19	SB 2828	Jan. 1, 2020
93-14-102	ch 463 , § 9	SB 2828	Jan. 1, 2020
93-14-302	ch 463 , § 10	SB 2828	Jan. 1, 2020
93-16-3	ch 404 , § 1	HB 1096	July 1, 2019
93-17-55	ch 464 , § 13	SB 2840	July 1, 2019
93-17-67	ch 464 , § 14	SB 2840	July 1, 2019
93-17-69	ch 464 , § 15	SB 2840	July 1, 2019
93-21-13	ch 460 , § 1	SB 2561	July 1, 2019
93-21-15	ch 460 , § 2	SB 2561	July 1, 2019
93-21-15.1	ch 460 , § 3	SB 2561	July 1, 2019
93-31-3	ch 464 , § 17	SB 2840	July 1, 2019
93-31-5	ch 464 , § 18	SB 2840	July 1, 2019
95-15-1	ch 427 , § 8	HB 1283	July 1, 2019
97-3-7	ch 341 , § 1	HB 1465	July 1, 2019
97-3-54.1	ch 420 , § 4	HB 571	July 1, 2019
97-3-54.1	ch 459 , § 1	SB 2305	July 1, 2019
97-3-54.8	ch 420 , § 11	HB 571	July 1, 2019
97-3-54.9	ch 420 , § 12	HB 571	July 1, 2019
97-5-51	ch 420 , § 7	HB 571	July 1, 2019

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

Code Section	2019 Chapter/Section No.	HB No./SB No.	Effective date
97-21-13	ch 388 , § 2	SB 2470	July 1, 2019
97-21-15	ch 388 , § 3	SB 2470	July 1, 2019
97-21-17	ch 388 , § 4	SB 2470	July 1, 2019
97-21-33	ch 388 , § 1	SB 2470	July 1, 2019
97-29-49	ch 420 , § 1	HB 571	July 1, 2019
97-35-47	ch 464 , § 16	SB 2840	July 1, 2019
97-35-47	ch 473 , § 1	SB 2576	July 1, 2019
97-37-7	ch 313 , § 1	HB 1581	July 1, 2019
99-3-45	ch 466 , § 27	HB 1352	July 1, 2019
99-5-11	ch 466 , § 37	HB 1352	July 1, 2019
99-13-11	ch 468 , § 2	SB 2328	July 1, 2019
99-15-26	ch 362 , § 4	SB 2237	July 1, 2019
99-15-26	ch 466 , § 41	HB 1352	July 1, 2019
99-15-57	ch 466 , § 42	HB 1352	July 1, 2019
99-19-71	ch 428 , § 5	HB 940	July 1, 2019
99-19-71	ch 466 , § 34	HB 1352	July 1, 2019
99-19-73	ch 412 , § 2	SB 2196	July 1, 2019
99-19-73	ch 466 , § 28	HB 1352	July 1, 2019
99-43-35	ch 468 , § 23	SB 2328	July 1, 2019

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

HOUSE BILLS

Bill No.	Chap. No.
84	335
150	462
273	306
323	326
324	343
366	301
390	365
444	450
535	322
571	420
572	307
578	455
580	356
584	353
626	367
628	383
630	324
654	308
677	352
694	321
695	332
698	472
701	318
713	348
714	382
724	314
725	317
726	315
740	474
751	311
752	342
754	357
761	336
779	475
785	325
798	376
800	323
807	331
808	334
869	346
872	394
874	371
904	456
913	312
914	340
925	358
940	428
961	480
962	330
977	377
980	483
983	417

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

HOUSE BILLS

Bill No.	Chap. No.
991	345
1048	375
1065	419
1075	368
1096	404
1101	320
1108	319
1117	350
1126	400
1132	347
1147	372
1160	309
1182	354
1204	369
1205	423
1206	338
1226	373
1247	479
1249	486
1269	381
1283	427
1288	328
1292	339
1307	457
1313	370
1322	305
1329	374
1352	466
1362	399
1375	458
1427	421
1431	418
1465	341
1468	333
1474	316
1477	359
1519	378
1533	363
1540	360
1547	469
1564	411
1568	415
1581	313
1612	437
1613	484
1668	422
1699	344

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

SENATE BILLS

Bill No.	Chap. No.
2012	425
2030	433
2043	385
2046	443
2049	438
2050	395
2053	416
2056	439
2116	349
2133	451
2141	361
2161	310
2193	447
2196	412
2210	440
2229	389
2237	362
2243	364
2268	426
2271	396
2272	453
2282	414
2305	459
2328	468
2365	366
2392	444
2425	391
2444	337
2445	409
2447	434
2449	429
2451	387
2452	445
2470	388
2491	410
2524	441
2532	405
2541	481
2561	460
2570	477
2576	473
2577	403
2598	351
2602	430
2603	452
2604	476
2625	432
2679	407
2680	408
2681	446
2687	401
2697	390

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

SENATE BILLS

Bill No.	Chap. No.
2704	449
2716	386
2723	392
2737	384
2744	487
2749	436
2766	413
2770	461
2781	470
2802	302
2810	393
2817	431
2821	471
2827	485
2828	463
2831	448
2835	467
2839	397
2840	464
2863	398
2864	304
2867	465
2869	380
2876	379
2885	355
2892	442
2898	424
2900	406
2901	435
2916	402
2918	329
2922	303
2928	482
2947	327
2955	478
3065	454

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
7-1-355	Reenacted	451	sb2133	57	1
9-1-43	Amended	485	sb2827	1	3
9-1-49	Amended	463	sb2828	2	3
9-5-169	Amended	443	sb2046	2	1
9-7-14	Amended	456	hb0904	1	3
9-23-1	Amended	466	hb1352	2	2
9-23-3	Amended	466	hb1352	3	3
9-23-5	Amended	466	hb1352	4	3
9-23-7	Amended	466	hb1352	5	3
9-23-9	Amended	466	hb1352	6	3
9-23-11	Amended	410	sb2491	1	3
9-23-11	Amended	466	hb1352	7	3
9-23-13	Amended	466	hb1352	8	3
9-23-15	Amended	466	hb1352	9	3
9-23-17	Amended	466	hb1352	10	3
9-23-19	Amended	466	hb1352	11	3
9-23-21	Amended	466	hb1352	12	3
9-23-23	Amended	466	hb1352	13	3
9-25-1	Amended	466	hb1352	14	3
9-27-1	Amended	466	hb1352	15	3
9-27-3	Amended	466	hb1352	16	3
9-27-7	Amended	466	hb1352	17	3
9-27-9	Amended	466	hb1352	18	3
9-27-11	Amended	466	hb1352	19	3
9-27-13	Repealed	466	hb1352	23	3
9-27-15	Amended	466	hb1352	20	3
9-27-17	Amended	466	hb1352	21	3
9-27-19	Amended	466	hb1352	22	3
9-27-21	Repealed	466	hb1352	23	3
17-17-5	Amended	360	hb1540	1	2
17-23-1	Amended	450	hb0444	14	3
19-3-1	Amended	340	hb0914	4	2
19-5-99	Amended	333	hb1468	1	2
19-5-99	Brought Forward	363	hb1533	4	2
19-5-353	Amended	420	hb0571	8	1
19-7-39	Amended	359	hb1477	1	2
19-11-27	Amended	475	hb0779	2	3
19-25-73	Amended	371	hb0874	1	2
21-8-7	Brought Forward	340	hb0914	5	2
21-9-15	Brought Forward	340	hb0914	6	2
21-23-7	Amended	466	hb1352	39	3
21-37-21	Amended	359	hb1477	2	2
21-45-9	Amended	391	sb2425	2	2
23-15-39	Brought Forward	340	hb0914	7	2
23-15-225	Amended	485	sb2827	2	3
23-15-281	Amended	340	hb0914	2	2
23-15-283	Amended	340	hb0914	1	2

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
23-15-285	Amended	340	hb0914	3	2
23-15-299	Amended	362	sb2237	1	1
23-15-359	Amended	362	sb2237	2	1
23-15-977	Amended	402	sb2916	1	2
25-3-3	Amended	485	sb2827	3	3
25-3-13	Amended	485	sb2827	4	3
25-3-35	Amended	466	hb1352	24	3
25-7-9	Amended	485	sb2827	5	3
25-7-13	Amended	385	sb2043	1	1
25-7-13	Amended	485	sb2827	6	3
25-7-19	Amended	485	sb2827	7	3
25-7-27	Amended	485	sb2827	8	3
25-9-107	Amended	432	sb2625	3	2
25-9-127	Amended	382	hb0714	3	1
25-9-301	Amended	398	sb2863	1	2
25-15-103	Amended	486	hb1249	1	2
25-31-1	Amended	433	sb2030	3	1
25-31-11	Amended	468	sb2328	21	3
25-53-1	Amended	382	hb0714	1	1
25-53-5	Amended	382	hb0714	2	1
25-59-19	Amended	443	sb2046	4	1
25-61-3	Amended	423	hb1205	6	2
25-61-5	Amended	369	hb1204	1	2
25-61-5	Amended	443	sb2046	3	1
25-61-9	Brought Forward	369	hb1204	2	2
25-61-10	Amended	443	sb2046	5	1
25-61-11.2	Added	443	sb2046	1	1
27-3-52	Amended	337	sb2444	1	2
27-7-21	Amended	396	sb2271	4	1
27-7-22.7	Reenacted	321	hb0694	1	1
27-7-22.9	Reenacted	321	hb0694	2	1
27-7-22.25	Reenacted	321	hb0694	4	1
27-7-22.26	Reenacted	321	hb0694	5	1
27-7-22.32	Amended	484	hb1613	4	4
27-7-22.36	Amended	334	hb0808	1	2
27-7-22.39	Amended	484	hb1613	3	4
27-7-23	Amended	344	hb1699	2	2
27-7-24.9	Added	344	hb1699	1	2
27-7-83	Amended	345	hb0991	13	2
27-13-5	Amended	396	sb2271	5	1
27-13-7	Amended	396	sb2271	6	1
27-19-44	Amended	477	sb2570	23	3
27-19-52	Amended	477	sb2570	36	2
27-19-53	Amended	477	sb2570	32	3
27-19-56.15	Amended	477	sb2570	25	3
27-19-81	Amended	357	hb0754	1	1
27-31-101	Amended	422	hb1668	1	4
27-31-104	Amended	422	hb1668	2	4
27-31-104	Amended	439	sb2056	1	1
27-31-105	Amended	422	hb1668	3	4
27-45-27	Amended	457	hb1307	1	3
27-51-41	Amended	477	sb2570	34	3

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
27-65-75	Amended	391	sb2425	1	2
27-65-75	Amended	447	sb2193	2	1
27-65-107	Amended	396	sb2271	3	1
27-65-111	Amended	478	sb2955	1	4
27-65-201	Amended	389	sb2229	1	1
27-103-159	Amended	444	sb2392	1	2
27-103-303	Amended	474	hb0740	7	3
27-104-7	Amended	329	sb2918	2	2
27-104-7	Amended	382	hb0714	4	1
27-104-7	Amended	465	sb2867	3	4
27-104-13	Amended	327	sb2947	1	2
27-104-13	Amended	432	sb2625	9	2
27-104-25	Amended	483	hb0980	1	2
27-104-205	Amended	474	hb0740	6	3
27-104-301	Amended	454	sb3065	56	2
27-19-56.108	Amended	477	sb2570	26	3
27-19-56.162	Amended	477	sb2570	33	3
27-19-56.186	Amended	477	sb2570	35	3
27-19-56.313	Amended	477	sb2570	31	3
27-19-56.314	Amended	477	sb2570	29	3
27-19-56.315	Amended	477	sb2570	27	3
27-19-56.342	Amended	477	sb2570	30	3
27-19-56.402	Amended	477	sb2570	28	3
29-1-75	Amended	331	hb0807	1	2
29-5-13	Added	335	hb0084	1	1
31-5-39	Added	472	hb0698	1	3
31-5-55	Amended	346	hb0869	3	2
31-7-1	Amended	432	sb2625	4	2
31-7-14	Amended	379	sb2876	1	2
31-7-111	Amended	443	sb2046	6	1
31-11-3	Amended	465	sb2867	2	4
31-18-7	Amended	476	sb2604	1	3
33-13-31	Amended	407	sb2679	1	2
33-13-159	Amended	408	sb2680	1	2
33-15-17	Amended	364	sb2243	1	1
35-1-1	Amended	397	sb2839	1	2
35-1-21	Amended	392	sb2723	1	2
37-3-2	Amended	455	hb0578	1	3
37-3-82	Amended	427	hb1283	7	3
37-3-83	Amended	427	hb1283	3	3
37-3-87	Amended	305	hb1322	1	2
37-3-89	Brought Forward	427	hb1283	5	3
37-3-91	Amended	427	hb1283	6	3
37-3-93	Amended	427	hb1283	4	3
37-4-3	Amended	436	sb2749	1	2
37-5-9	Amended	308	hb0654	1	1
37-7-307	Amended	307	hb0572	1	1
37-7-307	Amended	432	sb2625	5	2
37-7-711	Amended	308	hb0654	2	1
37-9-13	Amended	362	sb2237	3	1
37-9-17	Amended	432	sb2625	6	2
37-9-59	Amended	432	sb2625	7	2

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
37-9-103	Amended	432	sb2625	8	2
37-11-5	Amended	427	hb1283	2	3
37-11-57	Amended	354	hb1182	1	2
37-19-7	Amended	461	sb2770	1	3
37-21-7	Amended	461	sb2770	2	3
37-26-11	Amended	412	sb2196	1	1
37-29-65	Amended	479	hb1247	1	3
37-29-457	Amended	479	hb1247	2	3
37-101-15	Amended	465	sb2867	1	4
37-101-99	Amended	465	sb2867	4	4
37-103-19	Amended	438	sb2049	1	3
37-106-57	Amended	462	hb0150	2	3
37-106-71	Amended	462	hb0150	1	3
37-140-5	Amended	432	sb2625	1	2
37-140-9	Amended	432	sb2625	2	2
37-144-3	Amended	441	sb2524	1	2
37-144-5	Amended	441	sb2524	2	2
37-144-7	Amended	441	sb2524	3	2
37-153-1	Reenacted	451	sb2133	1	1
37-153-3	Reenacted	451	sb2133	2	1
37-153-5	Reenacted	451	sb2133	3	1
37-153-7	Reenacted	451	sb2133	4	1
37-153-9	Reenacted	451	sb2133	5	1
37-153-11	Reenacted	451	sb2133	6	1
37-153-13	Reenacted	451	sb2133	7	1
37-153-15	Added	434	sb2447	1	2
39-5-6	Amended	335	hb0084	2	1
39-5-145	Amended	454	sb3065	18	2
41-7-201	Amended	367	hb0626	1	1
41-13-10	Amended	442	sb2892	1	2
41-13-15	Amended	442	sb2892	2	2
41-13-29	Amended	306	hb0273	1	1
41-21-61	Amended	468	sb2328	3	3
41-21-63	Amended	468	sb2328	4	3
41-21-65	Amended	468	sb2328	5	3
41-21-67	Amended	468	sb2328	6	3
41-21-69	Amended	468	sb2328	7	3
41-21-71	Amended	468	sb2328	8	3
41-21-77	Amended	468	sb2328	9	3
41-21-79	Amended	468	sb2328	10	3
41-21-104	Added	468	sb2328	11	3
41-29-113	Amended	469	hb1547	1	4
41-29-115	Amended	469	hb1547	2	4
41-29-121	Amended	469	hb1547	3	4
41-30-27	Amended	468	sb2328	22	3
41-31-1	Amended	468	sb2328	12	3
41-31-3	Amended	468	sb2328	13	3
41-31-5	Amended	468	sb2328	14	3
41-31-11	Amended	468	sb2328	15	3
41-31-18	Added	468	sb2328	16	3
41-32-3	Amended	468	sb2328	17	3
41-32-5	Amended	468	sb2328	18	3
41-32-7	Amended	468	sb2328	19	3

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
41-32-11	Amended	468	sb2328	20	3
41-41-34.1	Added	349	sb2116	1	1
41-60-11	Amended	370	hb1313	1	2
41-61-53	Amended	310	sb2161	1	1
41-61-55	Amended	310	sb2161	2	1
41-61-55	Amended	312	hb0913	2	2
41-61-59	Amended	485	sb2827	9	3
41-61-75	Amended	485	sb2827	10	3
41-61-77	Amended	310	sb2161	3	1
41-99-5	Amended	353	hb0584	1	1
41-111-1	Amended	464	sb2840	10	4
41-111-3	Added	464	sb2840	11	4
43-1-1	Amended	372	hb1147	1	2
43-1-2	Amended	372	hb1147	2	2
43-1-3	Amended	372	hb1147	3	2
43-1-5	Amended	372	hb1147	4	2
43-1-30	Reenacted	451	sb2133	48	1
43-1-55	Amended	420	hb0571	10	1
43-13-407	Amended	481	sb2541	3	3
43-15-13	Amended	420	hb0571	2	1
43-15-51	Amended	420	hb0571	3	1
43-17-5	Reenacted	451	sb2133	49	1
43-19-45	Reenacted	451	sb2133	50	1
43-19-46	Reenacted	451	sb2133	51	1
43-21-105	Amended	420	hb0571	6	1
43-21-105	Amended	464	sb2840	1	4
43-21-121	Amended	464	sb2840	4	4
43-21-155	Amended	464	sb2840	8	4
43-21-159	Amended	466	hb1352	40	3
43-21-203	Amended	464	sb2840	6	4
43-21-257	Amended	464	sb2840	12	4
43-21-257	Amended	473	sb2576	2	2
43-21-261	Amended	464	sb2840	2	4
43-21-261	Amended	473	sb2576	3	2
43-21-301	Amended	464	sb2840	5	4
43-21-303	Amended	464	sb2840	9	4
43-21-321	Amended	429	sb2449	1	2
43-21-353	Amended	350	hb1117	1	2
43-21-353	Amended	420	hb0571	5	1
43-21-353	Amended	464	sb2840	3	4
43-21-353	Amended	473	sb2576	4	3
43-21-357	Amended	466	hb1352	25	3
43-21-613	Amended	464	sb2840	7	4
43-27-20	Amended	372	hb1147	5	2
43-27-39	Amended	363	hb1533	3	2
43-33-729	Amended	400	hb1126	1	2
43-33-729	Amended	430	sb2602	1	2
43-47-7	Amended	420	hb0571	13	1
43-47-19	Amended	368	hb1075	1	2
43-47-29	Amended	463	sb2828	3	3
45-1-2	Amended	312	hb0913	1	2
45-1-2	Amended	427	hb1283	9	3

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
45-1-29	Brought Forward	312	hb0913	3	2
45-6-7	Amended	420	hb0571	9	1
45-9-103	Amended	463	sb2828	4	3
45-9-171	Amended	365	hb0390	1	1
45-33-23	Amended	405	sb2532	3	2
45-33-32	Amended	405	sb2532	2	2
45-33-59	Amended	405	sb2532	1	2
47-5-193	Amended	449	sb2704	1	2
47-7-40	Amended	466	hb1352	36	3
47-7-49	Amended	466	hb1352	35	3
49-15-46	Amended	381	hb1269	1	2
49-17-85	Amended	415	hb1568	2	4
49-17-707	Amended	401	sb2687	1	2
49-17-709	Reenacted	401	sb2687	2	2
49-17-711	Reenacted	401	sb2687	3	2
49-17-713	Reenacted	401	sb2687	4	2
51-37-3	Amended	454	sb3065	16	2
53-1-7	Amended	474	hb0740	1	3
53-1-73	Amended	474	hb0740	2	3
53-1-77	Amended	474	hb0740	3	3
53-3-13	Amended	474	hb0740	4	3
53-11-23	Amended	474	hb0740	5	3
57-1-16	Amended	453	sb2272	1	3
57-1-18	Amended	453	sb2272	2	3
57-1-18	Amended	454	sb3065	20	2
57-1-221	Amended	453	sb2272	3	2
57-1-303	Amended	348	hb0713	1	1
57-1-421	Amended	453	sb2272	4	3
57-1-601	Amended	453	sb2272	5	3
57-1-601	Amended	454	sb3065	51	2
57-1-701	Amended	421	hb1427	2	4
57-1-701	Amended	453	sb2272	6	2
57-10-701	Reenacted	347	hb1132	1	2
57-10-703	Reenacted	347	hb1132	2	2
57-10-705	Reenacted	347	hb1132	3	2
57-10-707	Reenacted	347	hb1132	4	2
57-10-709	Reenacted	347	hb1132	5	2
57-10-711	Amended	347	hb1132	6	2
57-39-21	Amended	399	hb1362	1	2
57-46-1	Amended	453	sb2272	7	3
57-61-25	Amended	421	hb1427	4	4
57-61-25	Amended	453	sb2272	8	3
57-61-36	Amended	421	hb1427	5	4
57-62-5	Reenacted	451	sb2133	52	1
57-62-9	Reenacted	451	sb2133	53	1
57-73-21	Amended	332	hb0695	1	1
57-75-5	Reenacted	451	sb2133	54	1
57-75-15	Amended	421	hb1427	6	4
57-80-7	Reenacted	451	sb2133	55	1
57-80-9	Amended	355	sb2885	1	2
57-85-5	Amended	453	sb2272	9	3
57-89-3	Amended	452	sb2603	1	4

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
57-93-1	Amended	453	sb2272	10	2
57-95-1	Amended	453	sb2272	11	3
57-105-1	Amended	351	sb2598	1	2
57-111-1	Amended	453	sb2272	12	3
57-113-1	Amended	418	hb1431	1	4
57-113-21	Amended	396	sb2271	1	1
57-113-25	Amended	396	sb2271	2	1
61-3-3	Amended	302	sb2802	1	2
61-3-21	Amended	302	sb2802	2	2
61-13-5	Amended	329	sb2918	1	2
63-1-46	Amended	466	hb1352	33	3
63-1-51	Amended	466	hb1352	29	3
63-1-52	Amended	466	hb1352	31	3
63-1-53	Amended	466	hb1352	30	3
63-1-71	Amended	466	hb1352	32	3
63-1-203	Amended	311	hb0751	1	1
63-3-516	Amended	356	hb0580	2	1
63-3-615	Amended	352	hb0677	1	1
63-5-19	Amended	374	hb1329	1	2
63-5-23	Amended	374	hb1329	2	2
63-11-31.1	Amended	466	hb1352	26	3
63-17-73	Amended	394	hb0872	1	2
63-17-75	Amended	325	hb0785	1	2
65-1-3	Amended	433	sb2030	2	1
65-1-179	Amended	475	hb0779	1	3
65-4-15	Amended	453	sb2272	13	3
65-4-25	Amended	421	hb1427	7	4
65-7-95	Amended	475	hb0779	3	3
69-1-1	Amended	433	sb2030	4	1
69-1-18	Amended	338	hb1206	1	2
69-2-5	Reenacted	451	sb2133	56	1
71-3-9	Amended	467	sb2835	6	4
71-5-5	Reenacted	451	sb2133	8	1
71-5-11	Reenacted	451	sb2133	9	1
71-5-19	Reenacted	451	sb2133	10	1
71-5-101	Reenacted	451	sb2133	11	1
71-5-107	Reenacted	451	sb2133	12	1
71-5-109	Reenacted	451	sb2133	13	1
71-5-111	Reenacted	451	sb2133	14	1
71-5-112	Reenacted	451	sb2133	15	1
71-5-113	Reenacted	451	sb2133	16	1
71-5-114	Reenacted	451	sb2133	17	1
71-5-115	Reenacted	451	sb2133	18	1
71-5-117	Reenacted	451	sb2133	19	1
71-5-119	Reenacted	451	sb2133	20	1
71-5-121	Reenacted	451	sb2133	21	1
71-5-123	Reenacted	451	sb2133	22	1
71-5-125	Reenacted	451	sb2133	23	1
71-5-127	Reenacted	451	sb2133	24	1
71-5-129	Reenacted	451	sb2133	25	1
71-5-131	Reenacted	451	sb2133	26	1
71-5-133	Reenacted	451	sb2133	27	1
71-5-135	Reenacted	451	sb2133	28	1

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
71-5-137	Reenacted	451	sb2133	29	1
71-5-139	Reenacted	451	sb2133	30	1
71-5-141	Reenacted	451	sb2133	31	1
71-5-143	Reenacted	451	sb2133	32	1
71-5-201	Reenacted	451	sb2133	33	1
71-5-357	Reenacted	451	sb2133	34	1
71-5-359	Reenacted	451	sb2133	35	1
71-5-451	Reenacted	451	sb2133	36	1
71-5-457	Reenacted	451	sb2133	37	1
71-5-511	Reenacted	451	sb2133	38	1
71-5-513	Reenacted	451	sb2133	39	1
71-5-517	Reenacted	451	sb2133	40	1
71-5-519	Reenacted	451	sb2133	41	1
71-5-523	Reenacted	451	sb2133	42	1
71-5-525	Reenacted	451	sb2133	43	1
71-5-529	Reenacted	451	sb2133	44	1
71-5-531	Reenacted	451	sb2133	45	1
71-5-541	Reenacted	451	sb2133	46	1
73-7-12	Amended	413	sb2766	1	2
73-13-15	Amended	328	hb1288	2	2
73-13-31	Amended	328	hb1288	1	2
73-13-43	Amended	328	hb1288	3	2
73-13-85	Amended	328	hb1288	4	2
73-13-105	Amended	328	hb1288	5	2
73-15-29	Amended	378	hb1519	1	2
73-15-101	Repealed	375	hb1048	2	2
73-21-73	Amended	366	sb2365	1	2
73-21-117	Amended	366	sb2365	2	2
73-21-119	Amended	366	sb2365	3	2
73-21-126	Amended	373	hb1226	1	2
73-21-127	Amended	366	sb2365	4	2
73-25-19	Amended	377	hb0977	5	2
73-25-29	Amended	349	sb2116	2	1
73-26-3	Amended	376	hb0798	1	2
73-30-25	Reenacted	451	sb2133	47	1
73-34-3	Amended	390	sb2697	2	2
73-34-5	Amended	390	sb2697	3	2
73-34-9	Amended	390	sb2697	4	2
73-34-16	Added	390	sb2697	1	2
73-34-17	Amended	390	sb2697	5	2
73-34-21	Amended	390	sb2697	6	2
73-34-33	Amended	390	sb2697	7	2
73-34-45	Amended	390	sb2697	8	2
73-34-103	Reenacted	387	sb2451	1	2
73-34-117	Amended	380	sb2869	1	2
73-35-9	Amended	339	hb1292	1	2
73-35-18	Amended	339	hb1292	2	2
73-35-35	Amended	339	hb1292	3	2
73-50-1	Amended	445	sb2452	1	2
75-29-19	Amended	338	hb1206	2	2
75-35-15	Amended	303	sb2922	1	2
75-60-3	Amended	384	sb2737	1	2
75-60-17	Amended	384	sb2737	2	2

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
75-60-23	Amended	384	sb2737	3	2
75-60-25	Amended	384	sb2737	4	2
77-3-705	Amended	471	sb2821	1	3
77-3-707	Amended	487	sb2744	3	3
77-3-711	Amended	471	sb2821	2	3
77-3-725	Amended	471	sb2821	3	3
77-3-737	Repealed	471	sb2821	4	3
77-3-803	Amended	487	sb2744	1	3
77-3-805	Amended	487	sb2744	2	3
77-3-809	Amended	487	sb2744	4	3
77-5-205	Amended	301	hb0366	9	1
77-5-231	Amended	301	hb0366	10	1
81-5-1	Amended	431	sb2817	1	2
81-5-62	Amended	463	sb2828	5	3
81-12-145	Amended	463	sb2828	6	3
81-14-363	Amended	463	sb2828	7	3
81-22-1	Reenacted	323	hb0800	1	2
81-22-3	Reenacted	323	hb0800	2	2
81-22-5	Reenacted	323	hb0800	3	2
81-22-7	Reenacted	323	hb0800	4	2
81-22-9	Reenacted	323	hb0800	5	2
81-22-11	Reenacted	323	hb0800	6	2
81-22-13	Reenacted	323	hb0800	7	2
81-22-15	Reenacted	323	hb0800	8	2
81-22-17	Reenacted	323	hb0800	9	2
81-22-19	Reenacted	323	hb0800	10	2
81-22-21	Reenacted	323	hb0800	11	2
81-22-23	Reenacted	323	hb0800	12	2
81-22-25	Reenacted	323	hb0800	13	2
81-22-27	Reenacted	323	hb0800	14	2
81-22-28	Reenacted	323	hb0800	15	2
81-22-31	Amended	323	hb0800	16	2
83-5-102	Amended	326	hb0323	1	1
83-5-119	Amended	326	hb0323	2	1
83-5-120	Added	326	hb0323	3	1
83-9-5	Amended	383	hb0628	1	1
83-17-53	Amended	324	hb0630	1	1
83-17-63	Amended	324	hb0630	2	1
83-23-109	Amended	304	sb2864	1	2
83-23-115	Amended	304	sb2864	2	2
83-34-1	Amended	450	hb0444	1	3
83-34-3	Amended	450	hb0444	2	3
83-34-4	Reenacted	450	hb0444	3	3
83-34-5	Amended	450	hb0444	4	3
83-34-9	Amended	450	hb0444	5	3
83-34-10	Amended	450	hb0444	6	3
83-34-11	Repealed	450	hb0444	13	3
83-34-12	Amended	450	hb0444	7	3
83-34-13	Amended	450	hb0444	8	3
83-34-23	Amended	450	hb0444	9	3
83-34-31	Amended	450	hb0444	10	3
83-34-33	Amended	450	hb0444	11	3
83-34-35	Amended	450	hb0444	12	3

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
83-51-1	Amended	342	hb0752	1	1
83-65-103	Amended	358	hb0925	1	2
85-5-7	Amended	435	sb2901	2	2
85-7-301	Reenacted	425	sb2012	1	3
85-7-303	Reenacted	425	sb2012	2	3
85-7-305	Reenacted	425	sb2012	3	3
85-7-307	Reenacted	425	sb2012	4	3
85-7-309	Reenacted	425	sb2012	5	3
85-7-311	Reenacted	425	sb2012	6	3
85-7-313	Reenacted	425	sb2012	7	3
85-7-315	Reenacted	425	sb2012	8	3
85-7-317	Repealed	425	sb2012	9	3
85-7-431	Amended	346	hb0869	2	2
85-7-432	Added	346	hb0869	1	2
89-1-69	Amended	330	hb0962	1	2
89-7-31	Amended	386	sb2716	1	2
89-7-35	Amended	386	sb2716	2	2
89-7-41	Amended	386	sb2716	3	2
89-7-45	Amended	386	sb2716	4	2
91-7-90	Added	458	hb1375	11	4
91-7-91	Amended	458	hb1375	12	4
91-7-93	Amended	458	hb1375	1	4
91-7-95	Amended	458	hb1375	2	3
91-7-109	Amended	458	hb1375	3	4
91-7-111	Repealed	458	hb1375	23	4
91-7-113	Repealed	458	hb1375	25	4
91-7-115	Repealed	458	hb1375	24	4
91-7-117	Amended	458	hb1375	4	4
91-7-135	Amended	458	hb1375	5	4
91-7-137	Repealed	458	hb1375	19	4
91-7-139	Repealed	458	hb1375	20	4
91-7-141	Amended	458	hb1375	6	4
91-7-191	Amended	458	hb1375	13	4
91-7-195	Amended	458	hb1375	14	4
91-7-199	Amended	458	hb1375	15	4
91-7-255	Amended	458	hb1375	7	4
91-7-257	Repealed	458	hb1375	21	4
91-7-261	Amended	458	hb1375	16	4
91-7-271	Amended	458	hb1375	17	4
91-7-277	Amended	458	hb1375	8	4
91-7-279	Repealed	458	hb1375	22	4
91-7-291	Amended	458	hb1375	9	4
91-7-297	Amended	458	hb1375	10	4
91-7-322	Amended	458	hb1375	18	4
91-8-103	Amended	463	sb2828	8	3
93-13-3	Repealed	463	sb2828	11	2
93-13-5	Repealed	463	sb2828	11	2
93-13-7	Repealed	463	sb2828	11	2
93-13-9	Repealed	463	sb2828	11	2
93-13-11	Repealed	463	sb2828	11	2
93-13-13	Repealed	463	sb2828	11	2
93-13-15	Repealed	463	sb2828	11	2
93-13-17	Repealed	463	sb2828	11	2

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
93-13-19	Repealed	463	sb2828	11	2
93-13-21	Repealed	463	sb2828	11	2
93-13-23	Repealed	463	sb2828	11	2
93-13-25	Repealed	463	sb2828	11	2
93-13-27	Repealed	463	sb2828	11	2
93-13-29	Repealed	463	sb2828	11	2
93-13-31	Repealed	463	sb2828	11	2
93-13-33	Repealed	463	sb2828	11	2
93-13-35	Repealed	463	sb2828	11	2
93-13-37	Repealed	463	sb2828	11	2
93-13-38	Repealed	463	sb2828	11	2
93-13-39	Repealed	463	sb2828	11	2
93-13-41	Repealed	463	sb2828	11	2
93-13-43	Repealed	463	sb2828	11	2
93-13-45	Repealed	463	sb2828	11	2
93-13-47	Repealed	463	sb2828	11	2
93-13-49	Repealed	463	sb2828	11	2
93-13-51	Repealed	463	sb2828	11	2
93-13-53	Repealed	463	sb2828	11	2
93-13-55	Repealed	463	sb2828	11	2
93-13-57	Repealed	463	sb2828	11	2
93-13-59	Repealed	463	sb2828	11	2
93-13-61	Repealed	463	sb2828	11	2
93-13-63	Repealed	463	sb2828	11	2
93-13-65	Repealed	463	sb2828	11	2
93-13-67	Repealed	463	sb2828	11	2
93-13-69	Repealed	463	sb2828	11	2
93-13-71	Repealed	463	sb2828	11	2
93-13-73	Repealed	463	sb2828	11	2
93-13-75	Repealed	463	sb2828	11	2
93-13-77	Repealed	463	sb2828	11	2
93-13-79	Repealed	463	sb2828	11	2
93-13-111	Repealed	463	sb2828	12	2
93-13-121	Repealed	463	sb2828	13	3
93-13-123	Repealed	463	sb2828	13	3
93-13-125	Repealed	463	sb2828	13	3
93-13-127	Repealed	463	sb2828	13	3
93-13-128	Repealed	463	sb2828	13	3
93-13-129	Repealed	463	sb2828	13	3
93-13-131	Repealed	463	sb2828	13	3
93-13-133	Repealed	463	sb2828	13	3
93-13-135	Repealed	463	sb2828	13	3
93-13-151	Repealed	463	sb2828	14	3
93-13-161	Repealed	463	sb2828	15	3
93-13-181	Repealed	463	sb2828	16	3
93-13-183	Repealed	463	sb2828	16	3
93-13-185	Repealed	463	sb2828	16	3
93-13-187	Repealed	463	sb2828	16	3
93-13-211	Repealed	463	sb2828	17	3
93-13-213	Repealed	463	sb2828	17	3
93-13-215	Repealed	463	sb2828	17	3
93-13-217	Repealed	463	sb2828	17	3
93-13-219	Repealed	463	sb2828	17	3

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
93-13-251	Repealed	463	sb2828	18	3
93-13-253	Repealed	463	sb2828	18	3
93-13-255	Repealed	463	sb2828	18	3
93-13-257	Repealed	463	sb2828	18	3
93-13-259	Repealed	463	sb2828	18	3
93-13-261	Repealed	463	sb2828	18	3
93-13-263	Repealed	463	sb2828	18	3
93-13-265	Repealed	463	sb2828	18	3
93-13-267	Repealed	463	sb2828	18	3
93-13-281	Repealed	463	sb2828	19	3
93-14-102	Amended	463	sb2828	9	3
93-14-302	Amended	463	sb2828	10	3
93-16-3	Amended	404	hb1096	1	2
93-17-55	Amended	464	sb2840	13	4
93-17-67	Amended	464	sb2840	14	4
93-17-69	Amended	464	sb2840	15	4
93-21-13	Amended	460	sb2561	1	3
93-21-15	Amended	460	sb2561	2	3
93-21-15.1	Added	460	sb2561	3	3
93-31-3	Amended	464	sb2840	17	4
93-31-5	Amended	464	sb2840	18	4
95-15-1	Amended	427	hb1283	8	3
97-3-7	Amended	341	hb1465	1	2
97-3-54.1	Amended	420	hb0571	4	1
97-3-54.1	Amended	459	sb2305	1	3
97-3-54.8	Amended	420	hb0571	11	1
97-3-54.9	Amended	420	hb0571	12	1
97-5-51	Amended	420	hb0571	7	1
97-21-13	Amended	388	sb2470	2	2
97-21-15	Amended	388	sb2470	3	2
97-21-17	Amended	388	sb2470	4	2
97-21-33	Amended	388	sb2470	1	2
97-29-49	Amended	420	hb0571	1	1
97-35-47	Amended	464	sb2840	16	4
97-35-47	Amended	473	sb2576	1	3
97-37-7	Amended	313	hb1581	1	2
99-3-45	Amended	466	hb1352	27	3
99-5-11	Amended	466	hb1352	37	3
99-13-11	Amended	468	sb2328	2	3
99-15-26	Amended	362	sb2237	4	1
99-15-26	Amended	466	hb1352	41	3
99-15-57	Amended	466	hb1352	42	3
99-19-71	Amended	428	hb0940	5	3
99-19-71	Amended	466	hb1352	34	3
99-19-73	Amended	412	sb2196	2	1
99-19-73	Amended	466	hb1352	28	3
99-43-35	Amended	468	sb2328	23	3

Mississippi Legislature
2019 Regular Session

House Bill 150

Description: Mississippi Dyslexia Forgivable Loan Program; clarify type of service committee to qualify for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

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 1  01/11   (H) Referred To Education; Appropriations
 2  02/04   (H) DR - TSDP: ED To AP
 3  02/05   (H) DR - TSDP: AP To ED
 4  02/05   (H) Title Suff Do Pass
 5  02/12   (H) Passed {Vote}
 6  02/13   (H) Transmitted To Senate
 7  02/27   (S) Referred To Education; Appropriations
 8  03/04   (S) DR - TSDP: ED To AP
 9  03/05   (S) Title Suff Do Pass
10  03/07   (S) Amended
11  03/07   (S) Passed As Amended {Vote}
12  03/11   (S) Returned For Concurrence
13  03/12   (H) Decline to Concur/Invite Conf
14  03/19   (H) Conferees Named Bennett,Byrd,Roberson
15  03/22   (S) Conferees Named Tollison,Wiggins,Wilemon
16  03/25   (S) Conference Report Filed
17  03/25   (H) Conference Report Filed
18  03/28   (S) Conference Report Adopted {Vote}
19  03/28   (H) Conference Report Adopted {Vote}
20  04/02   (H) Enrolled Bill Signed
21  04/02   (S) Enrolled Bill Signed
22  04/02   Due From Governor 04/19/19
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Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 150

Conference Reports:
Conference Report

Code Section: A 037-0106-0071, A 037-0106-0057

----- Additional Information -----

House Committee: Education, Appropriations
Senate Committee: Education, Appropriations

Principal Author: Byrd

Title: AN ACT TO AMEND SECTION 37-106-71, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOAN FORGIVENESS TO INDIVIDUALS PROVIDING INSTRUCTIONAL OR CLINICAL SERVICE AS A LICENSED DYSLEXIA THERAPIST IN A PUBLIC OR ELIGIBLE NONPUBLIC SCHOOL FOR THE MISSISSIPPI DYSLEXIA FORGIVABLE LOAN PROGRAM; TO AMEND SECTION 37-106-57, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AWARDS GRANTED UNDER THE WILLIAM WINTER TEACHER FORGIVABLE LOAN PROGRAM SHALL BE AVAILABLE TO NONTRADITIONAL LICENSED TEACHERS UNDER CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Byrd

To: Education;
Appropriations

HOUSE BILL NO. 150
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-106-71, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOAN FORGIVENESS TO INDIVIDUALS PROVIDING INSTRUCTIONAL OR CLINICAL SERVICE AS A LICENSED DYSLEXIA THERAPIST IN A PUBLIC OR ELIGIBLE NONPUBLIC SCHOOL FOR THE MISSISSIPPI DYSLEXIA FORGIVABLE LOAN PROGRAM; TO AMEND SECTION 37-106-57, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AWARDS GRANTED UNDER THE WILLIAM WINTER TEACHER FORGIVABLE LOAN PROGRAM SHALL BE AVAILABLE TO NONTRADITIONAL LICENSED TEACHERS UNDER CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-106-71, Mississippi Code of 1972, is amended as follows:

37-106-71. (1) There is established the Mississippi Dyslexia Education Forgivable Loan Program for the purpose of identifying and recruiting qualified university and college students from the state for schooling in education with a focus on dyslexia therapy.

(2) The receipt of a forgivable loan under the program shall be solely limited to those students who are enrolled in or who have been accepted for enrollment into a master's degree program of study for dyslexia therapy at any public or private institution

of higher learning within the State of Mississippi at the time an application for a forgivable loan is filed with the board.

(3) The annual amount of the forgivable loan award shall be equal to the total cost for tuition, materials and fees at the college or university in which the student is enrolled. Awards made to nonresidents of the state shall not include any amount assessed by the college or university for out-of-state tuition.

(4) Upon completion of the master's program and licensure requirements, a forgivable loan recipient who has not been previously licensed by the State Department of Education shall render service in an instructional or clinical capacity as a licensed * * * dyslexia * * * therapist in a public school district in the state or an eligible nonpublic school as defined by Section 37-173-1 and meets the criteria established in Section 37-173-17, not to exceed five (5) recipients rendering instructional or clinical services in a nonpublic school at any time.

(5) Repayment and conversion terms shall be the same as those outlined in Section 37-106-53.

(6) The board shall prepare and submit a report to the Legislature by January 1, 2015, and annually thereafter, outlining in detail the number of participants who have received forgivable loans under the program, the record of service provided by those recipients as they transition out of the degree program into the public school districts of this state, and the projection for

expanding the program to include more participants annually as determined by the need for such qualified professionals in the public school setting. Additionally, the report shall include a summary of allocations and expenditures for the administration of the program and the total amount of funds issued to recipients of forgivable loans from the inception of the program until such time as the report has been prepared and submitted to the Legislature.

(7) The Mississippi Dyslexia Education Forgivable Loan Program shall be administered in the same manner as the Critical Needs Teacher Forgivable Loan Program established under Section 37-106-55 and shall be incorporated into the Critical Needs Teacher Forgivable Loan Program for all purposes.

(8) Funding for the establishment and continued operation of the Mississippi Dyslexia Education Forgivable Loan Program shall be administered by the board through a special fund established within the Critical Needs Teacher Forgivable Loan Program. The board may accept and receive monetary gifts and donations from any source, public or private, which such funds shall be deposited in the special fund for the benefit of the Mississippi Dyslexia Education Forgivable Loan Program with the Critical Needs Teacher Forgivable Loan Program.

(9) No more than twenty (20) students per cohort shall be selected annually to be admitted into the program for receipt of forgivable loans beginning with the 2013-2014 academic year. However, forgivable loans awarded under the program shall be

provided only to students who have been accepted into a Dyslexia Therapy Master's Degree Cohort Program approved by the State Department of Education that provides instructional training as required under Chapter 173, Title 37, Mississippi Code of 1972, for dyslexia therapy in preparation of those cohort students for AA licensure by the department.

(10) As part of the Mississippi Dyslexia Education Forgivable Loan Program, the State Department of Education is authorized and directed, subject to the availability of funds specifically appropriated therefor by the Legislature, to provide financial assistance for the recruitment, placement and employment of qualified licensed dyslexia therapy professionals identified under Section 37-173-15(1)(b), Mississippi Code of 1972, in order to provide dyslexia screening, evaluation and therapy services to the students attending school in the school district. Said funding may be used to purchase curriculum materials and supplies for dyslexia therapy services. Said funding shall be provided to public school districts upon application therefor regardless of the financial need of the school district in an amount not to exceed Fifty Thousand Dollars ($50,000.00) annually, and subject to specific appropriation therefor by the Legislature. In order to qualify for such funds, the school district shall meet the following criteria:

(a) Use licensed dyslexia therapists or individuals participating in an approved training program resulting in State

Department of Education licensure to provide dyslexia therapy to students diagnosed with dyslexia;

(b) Use daily Orton-Gillingham-based therapy;

(c) Have school leadership trained in dyslexia; and

(d) Have a current School Program Verification and Assurances form on file with the State Department of Education, Office of Curriculum and Instruction. Procedures and standards for the application for such funds shall be established by regulations developed and issued by the State Board of Education.

SECTION 2. Section 37-106-57, Mississippi Code of 1972, is amended as follows:

37-106-57. (1) It is the intention of the Legislature to attract and retain qualified teachers by awarding incentive loans to persons declaring an intention to serve in the teaching field and who actually render service to the state while possessing an appropriate teaching license.

(2) There is established the "William F. Winter Teacher Forgivable Loan Program."

(3) Subject to the availability of funds, students who are enrolled in any baccalaureate degree-granting institution of higher learning in the State of Mississippi that is regionally accredited and approved by the board and who have expressed in writing a present intention to teach in Mississippi shall be eligible for student loans to be applied to the costs of their college education. Persons who have been admitted to a teacher

education program or a nontraditional teacher internship licensure program authorized under Section 37-3-2(6)(b), as approved by the State Board of Education, shall also qualify for loans at approved institutions. The board shall provide that teacher education majors and noneducation majors shall have equal access to forgivable loans under authority of this section.

(4) A junior establishing initial eligibility shall be eligible for a maximum of two (2) annual loans and a senior shall be eligible for one (1) annual loan.

(5) The maximum annual loan shall be set by the board at an amount not to exceed the cost of attendance at any baccalaureate degree-granting institution of higher learning in the State of Mississippi. However, it is the intent of the Legislature that the maximum annual loan amounts under the William F. Winter Teacher Forgivable Loan Program shall not be of such amounts that would compete with the Critical Needs Teacher Forgivable Loan Program.

(6) The loans of persons who actually render service as licensed teachers or nontraditional teacher interns authorized under Section 37-3-2(6)(b) in a public school, including a charter school, in Mississippi for a major portion of the school day for at least seventy-eight (78) school days shall be converted to interest-free scholarships. Repayment and conversion terms shall be the same as those outlined in Section 37-106-53.

(7) Awards granted under the William F. Winter Teacher Forgivable Loan Program shall be made available to nontraditional licensed teachers showing a documented need for student loan repayment and employed in those school districts designated by the State Board of Education as a geographical area of the state or in a subject area of the curriculum in which there is a critical shortage of teachers. Repayment and conversion terms shall be the same as outlined in Section 37-106-53 except that the maximum annual amount of this repayment should not exceed Three Thousand Dollars ($3,000.00) and the maximum time period for repayment shall be no more than four (4) years.

(* * *8) Failure to repay any loan and interest that becomes due shall be cause for the revocation of a person's teaching license by the State Department of Education.

(* * *9) The board shall promulgate regulations necessary for the proper administration of this section.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 444

Description: Windstorm Underwriting Association; authorize to levy recoupable and nonrecoupable assessments.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2019

History of Actions:

1	01/14	(H)	Referred To Insurance; Appropriations
2	01/22	(H)	DR - TSDPCS: IN To AP
3	02/05	(H)	DR - TSDPCS: AP To IN
4	02/05	(H)	Title Suff Do Pass Comm Sub
5	02/12	(H)	Committee Substitute Adopted
6	02/12	(H)	Passed {Vote}
7	02/14	(H)	Transmitted To Senate
8	02/26	(S)	Referred To Accountability, Efficiency, Transparency; Appropriations
9	03/04	(S)	DR - TSDPAA: AC To AP
10	03/05	(S)	Title Suff Do Pass As Amended
11	03/13	(S)	Amended
12	03/13	(S)	Passed As Amended {Vote}
13	03/14	(S)	Returned For Concurrence
14	03/18	(H)	Decline to Concur/Invite Conf
15	03/19	(H)	Conferees Named Chism,Hines,Read
16	03/21	(S)	Conferees Named Polk,Blackwell,Clarke
17	03/21	(H)	Conference Report Filed
18	03/21	(S)	Conference Report Filed
19	03/22	(S)	Conference Report Adopted {Vote}
20	03/22	(H)	Conference Report Adopted {Vote}
21	03/27	(S)	Enrolled Bill Signed
22	03/27	(H)	Enrolled Bill Signed
23	04/03		Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1Lost Voice Vote

Amendment Report for House Bill No. 444
Conference Reports:
| Conference Report

Code Section: A 083-0034-0001, A 083-0034-0003, RA 083-0034-0004, A 083-0034-0005, A 083-0034-0009, A 083-0034-0010, A 083-0034-0012, A 083-0034-0013, A 083-0034-0023, A 083-0034-0031, A 083-0034-0033, A 083-0034-0035, RP 083-0034-0011, A 017-0023-0001

----- Additional Information -----

House Committee: Insurance, Appropriations
Senate Committee: Accountability, Efficiency, Transparency, Appropriations

Principal Author: Chism
Additional Authors: Turner, Arnold, Miles, Paden, Hines

Title: AN ACT TO AMEND SECTION 83-34-1, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS AS USED IN THE MISSISSIPPI WINDSTORM UNDERWRITING ASSOCIATION LAW; TO AMEND SECTION 83-34-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND REENACTED SECTION 83-34-4, MISSISSIPPI CODE OF 1972, TO DIVERT A CERTAIN AMOUNT OF FUNDS DERIVED FROM THE NONADMITTED POLICY FEE INTO THE RURAL FIRE TRUCK FUND OR SUPPLEMENTARY RURAL FIRE TRUCK FUND, AND TO EXTEND THE REPEALER ON THE SECTION; TO AMEND SECTION 83-34-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 83-34-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 83-34-10, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ASSOCIATION TO LEVY RECOUPABLE AND NONRECOUPABLE ASSESSMENTS UPON THE OCCURRENCE OF CERTAIN EVENTS, TO PROVIDE THAT THE MINIMUM RESERVE SHALL NOT BE CONSIDERED AS FUNDS AVAILABLE TO THE ASSOCIATION IN DETERMINING WHETHER TO LEVY A RECOUPABLE OR NONRECOUPABLE ASSESSMENT, AND TO SET THE MAXIMUM TOTAL OF NONRECOUPABLE ASSESSMENTS; TO AMEND SECTION 83-34-12, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 83-34-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ASSOCIATION'S PLAN OF OPERATION MAY INCLUDE THE ESTABLISHMENT OF A MINIMUM RESERVE; TO AMEND SECTIONS 83-34-23 AND 83-34-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 83-34-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO IMPLEMENT AN EXCESS DEFICIT SURCHARGE FOR COVERED EVENT LOSSES ON ALL PROPERTY AND CASUALTY PREMIUMS; TO AMEND SECTION 83-34-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO REPEAL SECTION 83-34-11, MISSISSIPPI CODE OF 1972, WHICH IMPLEMENTS A SURCHARGE ON ALL PROPERTY AND CASUALTY PREMIUMS FOR THE PURPOSE OF REIMBURSING ASSESSABLE INSURERS WHO PAID A REGULAR ASSESSMENT; TO AMEND SECTION 17-23-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ADDITIONAL ROUND OF FIRE TRUCKS UNDER THE RURAL

FIRE TRUCK ACQUISITION ASSISTANCE PROGRAM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Chism, Turner, Arnold, Miles, Paden, Hines

To: Insurance; Appropriations

HOUSE BILL NO. 444
(As Sent to Governor)

AN ACT TO AMEND SECTION 83-34-1, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS AS USED IN THE MISSISSIPPI WINDSTORM UNDERWRITING ASSOCIATION LAW; TO AMEND SECTION 83-34-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND REENACTED SECTION 83-34-4, MISSISSIPPI CODE OF 1972, TO DIVERT A CERTAIN AMOUNT OF FUNDS DERIVED FROM THE NONADMITTED POLICY FEE INTO THE RURAL FIRE TRUCK FUND OR SUPPLEMENTARY RURAL FIRE TRUCK FUND, AND TO EXTEND THE REPEALER ON THE SECTION; TO AMEND SECTION 83-34-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 83-34-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 83-34-10, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ASSOCIATION TO LEVY RECOUPABLE AND NONRECOUPABLE ASSESSMENTS UPON THE OCCURRENCE OF CERTAIN EVENTS, TO PROVIDE THAT THE MINIMUM RESERVE SHALL NOT BE CONSIDERED AS FUNDS AVAILABLE TO THE ASSOCIATION IN DETERMINING WHETHER TO LEVY A RECOUPABLE OR NONRECOUPABLE ASSESSMENT, AND TO SET THE MAXIMUM TOTAL OF NONRECOUPABLE ASSESSMENTS; TO AMEND SECTION 83-34-12, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 83-34-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ASSOCIATION'S PLAN OF OPERATION MAY INCLUDE THE ESTABLISHMENT OF A MINIMUM RESERVE; TO AMEND SECTIONS 83-34-23 AND 83-34-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 83-34-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO IMPLEMENT AN EXCESS DEFICIT SURCHARGE FOR COVERED EVENT LOSSES ON ALL PROPERTY AND CASUALTY PREMIUMS; TO AMEND SECTION 83-34-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO REPEAL SECTION 83-34-11, MISSISSIPPI CODE OF 1972, WHICH IMPLEMENTS A SURCHARGE ON ALL PROPERTY AND CASUALTY PREMIUMS FOR THE PURPOSE OF REIMBURSING ASSESSABLE INSURERS WHO PAID A REGULAR ASSESSMENT; TO AMEND SECTION 17-23-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ADDITIONAL ROUND OF FIRE TRUCKS UNDER THE RURAL FIRE TRUCK ACQUISITION ASSISTANCE PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 83-34-1, Mississippi Code of 1972, is amended as follows:

83-34-1. In this chapter, unless the context otherwise requires:

(a) "Essential property insurance" means insurance against direct loss to property from the risk of windstorm and hail in the manner as defined and limited in the standard real property and contents insurance forms approved by the commissioner. Essential property insurance * * * may include coverage for * * * either the actual cash value or replacement cost value of the structure and contents. Essential property insurance includes builders risks coverage. The extent of risk covered, the insuring language and the exclusions are all subject to approval by the commissioner. Policies, rules and rates shall be filed with the commissioner in the manner provided for insurance companies.

(b) "Association" means the Mississippi Windstorm Underwriting Association established pursuant to the provisions of this chapter.

(c) "Plan of operation" means the plan of operation of the association approved or promulgated by the commissioner pursuant to the provisions of this chapter.

(d) "Insurable property" means real property, and contents therein when requested, at fixed locations in the coast area, which property is determined by the association to be in an insurable condition and otherwise meets the underwriting requirements of the association. Any one- or two-family dwelling built, rebuilt, altered or remodeled in compliance with the applicable building codes, including design-wind requirements, that is not otherwise rendered uninsurable by reason of use, occupancy or state of repair, shall be an insurable risk. Neighborhood area, location and environmental hazards beyond the control of the applicant or owner of the property shall not be considered in determining insurable condition. "Insurable property" shall not include insurance on motor vehicles or creditor placed insurance on mobile homes. "Insurable property" includes mobile homes, modular homes or manufactured housing that are installed in compliance with applicable codes.

(e) "Commissioner" means the Insurance Commissioner of the State of Mississippi.

(f) "Coast area" means Hancock, Harrison, Jackson, Pearl River, Stone and George Counties.

(g) (i) "Net direct premiums," for purposes of calculating percentages of participation for assessable insurers for the year 2007, means gross direct premiums, excluding reinsurance assumed and ceded, written on property in this state for the risk of windstorm and hail less return premiums upon cancelled contracts, dividends paid or credited to policyholders, or the unused or unabsorbed portion of premium deposits. "Net direct premiums" includes the premium charge component for the risk of windstorm and hail to property in all policies, including multiperil and other policies that package or combine coverage for other risks. The plan of operation shall prescribe the portion of premium allocated for the risk of windstorm and hail in multiperil and other policies that package or combine coverage for other risks. "Net direct premiums" shall not include farm property. "Net direct premiums" shall not include the property components of motor vehicles and other mobile property, but includes premiums for the risks of windstorm and hail for mobile homes, modular homes or manufactured housing.

(ii) "Net direct premiums," for purposes of calculating percentages of participation for assessable insurers after the year 2007, means those premiums reported by the assessable insurers in their annual statements to the Department of Insurance that were charged for insurance for any and all risks on real property and contents in the state. The department shall determine which lines of real property and contents insurance shall be included in the calculation of net direct premiums. The included real property and contents insurance lines may be changed from time to time in the discretion of the commissioner. "Net direct premiums" shall not include premiums for insuring farm property that are reported timely to the association as provided in the plan of operation.

(iii) The commissioner is authorized and directed to provide to the association annual statements, other reports and any statistics necessary to provide the information herein required and which the commissioner is hereby authorized and empowered to obtain from any assessable insurer.

(h) "Farm property" means property used for farming purposes; however, it shall not include any property used for dwelling purposes or any outbuildings used in connection therewith.

(i) "Losses" includes expenses for the adjustment and resolution of claims and operational and other general expenses.

(j) "Bonds, loans, lines of credit and indebtedness" include interest, finance charges, and any and all other costs associated with the financing.

(k) "Percentage of participation" for an assessable insurer means the percentage determined by dividing the assessable insurers net direct premiums written in this state in the previous year by the aggregate net direct premiums written in this state by all assessable insurers of the association in the previous year. The percentage of participation may be modified as provided in Sections 83-34-9(3) and 83-34-13(2).

(l) "Nonadmitted insurers" means those insurance companies defined in Section 83-21-17, and any other companies and persons selling insurance on risks in Mississippi that are not licensed to do business in the State of Mississippi.

(m) "Agents placing insurance through nonadmitted insurers" means those agents defined in Section 83-21-19 and any other agents placing insurance through a nonadmitted insurer.

(n) "Assessable insurer" means each and every insurer authorized to write, and engaged in writing, property insurance within this state on a direct basis.

(o) "Minimum reserve" means an amount set forth in the plan of operation which is maintained by the association for the payment of salaries and other expenses necessary for the continuous and ongoing operation of the association.

(p) "Recoupable assessment" means any assessment, in whole or in part, that is levied on and payable by assessable insurers to the association which is directly recoverable from policyholders for any covered event. Any assessment levied due to a covered event occurring during the calendar year 2019 shall be a recoupable assessment.

(q) "Nonrecoupable assessment" means any assessment levied on and payable by assessable insurers to the association which is not directly recoverable from policyholders.

(r) "Excess deficit" means a deficit that exceeds available surplus, reinsurance, recoupable and nonrecoupable assessments and other reasonably available assets of the association. The minimum reserve, as set forth in the plan of operation, shall not be considered reasonably available assets of the association when determining whether an excess deficit has occurred.

(s) "Covered event" means an event, such as a hurricane, other windstorm or hailstorm, which causes losses covered by the policies issued by the association to its policyholders.

SECTION 2. Section 83-34-3, Mississippi Code of 1972, is amended as follows:

83-34-3. (1) From and after March 22, 2007, the Mississippi Windstorm Underwriting Association, as created by Chapter 459, Laws of 1987, shall be a separate and independent entity as provided for herein. At its option, the association may incorporate. All assets belonging to the association on or before March 22, 2007, shall hereinafter belong to and remain with the association. There shall be no distribution of income or assets other than for the benefit of the association, which shall have the right to invest and reinvest assets.

(2) From and after March 22, 2007, the association shall no longer have members. Former "members" of the association shall be "assessable insurers" and shall have no rights to the assets and profits of the association, but shall have the obligation for regular assessments as provided herein. Former members shall continue to have the obligations provided in this chapter before March 22, 2007, for all policyholder claims, costs, damages of any kind and expenses in any manner resulting from losses that

occurred before March 22, 2007, for which the association may assess as needed the former members in the manner provided in this chapter before March 22, 2007. As a condition of its authority to continue to transact the business of insurance in this state and by transacting business in this state, each licensed insurer agrees to be bound by the provisions of this statute and the plan of operation as approved by the commissioner, and all amendments and revisions thereto.

(3) Any licensed insurer first authorized to write insurance after March 22, 2007, shall become an assessable insurer on the first day of January immediately following such authorization. The determination of such insurer's participation in the association shall be made based upon writings in the prior year in the same manner as for all other assessable insurers of the association.

(4) Except as provided for in Section 83-34-4(6), the premiums, recoupable and nonrecoupable assessments, fees, investment income and other revenue of the association are funds received for the sole purpose of providing insurance coverage, paying claims for Mississippi citizens insured by the association, securing and repaying debt obligations issued by the association, and conducting all other activities of the association, all as required or permitted by this chapter. Such revenue shall not be considered taxes, fees, licenses or charges for services imposed

by the State of Mississippi on individuals, businesses, or agencies, and shall not be used for other purposes.

(5) It is the intent of the Legislature that the association be and act as a nonprofit entity. The association shall be free from taxation of every kind by the state and any political subdivision or other instrumentality thereof. It is the intent of the Legislature that the association be tax exempt from all taxes, including federal taxes, and the association is granted the authority to take those steps necessary to obtain federal tax exempt status.

(6) Any debt obligations issued by the association, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state and any political subdivision or other instrumentality thereof.

(7) In the event of the termination of the association by act of the Legislature, or other means, the assets of the association shall be applied first to pay all debts, liabilities and obligations of the association, including the establishment of reasonable reserves for any contingent liabilities or obligations, and all remaining assets of the association shall become property of the state.

(8) The association shall operate as a private enterprise and shall not be subject to the procurement provisions of Section 31-7-13, and policies and decisions of the association, including,

but not limited to, decisions relating to incurring debt, levying of recoupable and nonrecoupable assessments, the issuance and sale of bonds, claims decisions under association policies, hiring and firing of employees, and all services relating to the operation of the association shall not be subject to the provisions of Section 25-9-101 et seq. The association shall not be required to obtain or to hold a license or certificate of authority issued by the commissioner or any other office. The association shall not be required to participate as a member insurer of the Mississippi Insurance Guaranty Association.

SECTION 3. Section 83-34-4, Mississippi Code of 1972, is reenacted and amended as follows:

83-34-4. (1) Nonadmitted insurers shall not be assessable insurers of the association. All surplus lines insurance producers placing insurance through nonadmitted insurers shall collect from the insured and remit to the association a nonadmitted policy fee on all premiums for all insurance written by such surplus lines insurance producer for a policy from a nonadmitted insurer for any and all risks in this state, except that policies or portions thereof that cover residential earthquake risks or residential flood risks that are not written through the National Flood Insurance Program shall be exempt from the nonadmitted policy fee. By procuring or selling insurance on property in this state from a nonadmitted insurer, each surplus lines insurance producer placing insurance through a nonadmitted insurer agrees to be bound by the provisions of this chapter and to collect and remit the nonadmitted policy fee provided for herein.

(2) The nonadmitted policy fee shall be a percentage of the total policy premium but the nonadmitted policy fee shall not be considered premium and is not subject to premium taxes or commissions. However, failure to pay the nonadmitted policy fee shall be treated the same as failure to pay premium. "Total policy premium" includes taxes and commissions.

(3) The nonadmitted policy fee percentage shall be three percent (3%).

(4) Within twenty (20) days of the end of the quarter, surplus lines insurance producers placing insurance through nonadmitted insurers shall remit directly to the association all nonadmitted policy fees collected in the preceding quarter. In addition to the nonadmitted policy fee provided for herein, surplus lines insurance producers placing insurance through nonadmitted insurers shall collect and remit excess deficit surcharges as provided by this chapter. Surplus lines insurance producers placing insurance through nonadmitted insurers may designate another surplus lines insurance producer that actually procured the insurance from the nonadmitted carrier to collect and remit the nonadmitted policy fees.

(5) Each insured in this state who directly procures or renews insurance with a nonadmitted insurer on properties, risks

or exposures located or to be performed, in whole or in part, in this state, other than insurance procured through a surplus lines licensee, shall be subject to the nonadmitted policy fee which shall be paid by the insured according to the procedures provided for premium taxes in Section 83-21-17(5).

(6) Monies derived from the nonadmitted policy fee collected under this section may be used by the association, in addition to any uses provided for in Section 83-34-3(4), for education, public outreach, training of building officials and other programs targeted to reduce the number of policies within the association; however, beginning on July 1, 2018, and ending on June 30, 2019, before any fees are remitted to the association, One Million Five Hundred Thousand Dollars ($1,500,000.00) shall be diverted and deposited into the Capital Expense Fund, and Four Million Five Hundred Thousand Dollars ($4,500,000.00) shall be diverted and deposited into the Rural Fire Truck Fund or Supplementary Rural Fire Truck Fund. Further, beginning July 1, 2019, and ending on June 30, 2020, before any fees are remitted to the association, Three Million Five Hundred Thousand Dollars ($3,500,000.00) shall be diverted and deposited into the Rural Fire Truck Fund or Supplementary Rural Fire Truck Fund.

(7) This section shall stand repealed from and after July 1, * * * 2022.

SECTION 4. Section 83-34-5, Mississippi Code of 1972, is amended as follows:

83-34-5. The association shall, pursuant to the provisions of this chapter and the plan of operation, and with respect to essential property insurance on insurable property, have the power:

(a) To issue policies of essential property insurance on insurable property to applicants;

(b) At its option, and with consent of the commissioner, to issue policies of related essential property insurance on insurable property to applicants;

(c) To purchase reinsurance for all or part of the risks of the association;

(d) To levy and collect * * * recoupable and nonrecoupable assessments from assessable insurers;

(e) To issue bonds or incur other forms of indebtedness, including, but not limited to, loans, lines of credit or letters of credit;

(f) To establish underwriting criteria consistent with the provisions of this chapter and as approved by the commissioner;

(g) To invest and reinvest income and assets subject to the oversight of the commissioner;

(h) To enter into contractual agreements with third parties, including the Mississippi Windstorm Mitigation Coordinating Council, for the purposes of developing and implementing windstorm mitigation programs; and

(i) All other powers necessary to carry out the provisions and intent of this chapter.

SECTION 5. Section 83-34-9, Mississippi Code of 1972, is amended as follows:

83-34-9. (1) All assessable insurers of the association shall participate in * * * recoupable and nonrecoupable assessments levied by the association based upon their percentage of participation. The association may allow affiliated insurers to combine their annual net direct premiums and other data, including data that supports any incentives that may be allowed by the association, to the extent that such grouping promotes the voluntary writing of essential property insurance in the coast area. Any provisions for credits and grouping of data shall be prescribed in the plan of operation.

(2) All profits of the association shall remain as assets of the association.

(3) The plan of operation shall provide financial incentives or financial penalties, or both, to ensure that assessable insurers write essential property insurance in the coast area. The incentives and penalties may include, but are not limited to, a reduction in * * * recoupable and nonrecoupable assessments, * * * adjustments in the percentage of participation, and other incentives and penalties as provided in the plan of operation. The commissioner shall approve the plan of operation as provided in Section 83-34-13.

SECTION 6. Section 83-34-10, Mississippi Code of 1972, is amended as follows:

83-34-10. (1) In the event of a * * * covered event that may produce losses in excess of funds that may be immediately available to the association, or in the event that the association determines that it will otherwise have a claim deficit or any other deficit, then the association, with consent of the commissioner, shall have the power to levy * * * recoupable and nonrecoupable assessments against assessable insurers based upon their percentage of participation. * * *

The minimum reserve, as set forth in the plan of operation, shall not be considered as funds available to the association in determining whether to levy a recoupable or nonrecoupable assessment.

(2) A nonrecoupable assessment levied under this section shall not exceed six percent (6%) of the association's year-end total limits in force for the preceding calendar year, or Two Hundred Fifty Million Dollars ($250,000,000.00), whichever is less. Further, in any calendar year, the annual total of all nonrecoupable assessment funds collected shall not exceed, in the aggregate, Two Hundred Fifty Million Dollars ($250,000,000.00).

SECTION 7. Section 83-34-12, Mississippi Code of 1972, is amended as follows:

83-34-12. The * * * recoupable or nonrecoupable assessment of an assessable insurer may, after hearing, be ordered deferred, in whole or in part, upon application by the insurer if, in the opinion of the commissioner, payment of the recoupable or nonrecoupable assessment would render the insurer insolvent or in danger of insolvency, or would otherwise leave the insurer in such a condition that further transaction of the insurer's business would be hazardous to its policyholders, creditors, assessable insurers, subscribers, stockholders or the public. If that payment of * * * a recoupable or nonrecoupable assessment against an assessable insurer is deferred by order of the commissioner, in whole or in part, the amount by which the recoupable or nonrecoupable assessment is deferred shall be assessed against other assessable insurers in the same manner as provided in Section 83-34-9.

SECTION 8. Section 83-34-13, Mississippi Code of 1972, is amended as follows:

83-34-13. (1) Within forty-five (45) days after March 22, 2007, the directors of the association shall submit to the commissioner for review and approval a proposed plan of operation revised to be consistent with the provisions of Chapter 425, Laws of 2007. The association shall maintain a plan of operation. The plan shall provide for the efficient, economical, fair and nondiscriminatory administration of the association. The plan may include the establishment of a minimum reserve, methods for the nonrecoupable assessment of all assessable insurers for deficits and expenses, the establishment of necessary facilities, management of the association, underwriting standards, procedures for determining the amounts of insurance to be provided to specific risks, time limits and procedures for processing applications for insurance, and for such other provisions as may be deemed necessary by the board to carry out the purposes of this chapter. The plan of operation shall include in the plan of operation a mechanism for recoupment of recoupable assessments.

(2) The plan of operation shall provide financial incentives or financial penalties, or both, to ensure that assessable insurers write essential property insurance in the coast area. The incentives and penalties may include, but are not limited to, a reduction in * * * nonrecoupable assessments, * * * adjustments in the percentage of participation, and other incentives and penalties as provided in the plan of operation.

(3) The plan of operation shall provide (a) that the association shall offer a two percent (2%) deductible for loss from named storms; and (b) that the association shall also offer options for other deductibles for loss from named storms with appropriate rate reductions that shall include at least a twenty percent (20%) deductible for loss from named storms.

(4) The plan of operation shall provide that the association use actuarially appropriate geographical zones for rating and for the use of credits and penalties to encourage voluntary writing in the coast area.

(5) The commissioner shall approve the plan of operation and all amendments before they become effective. It is the obligation of the commissioner to confirm that such plan fulfills the purposes of this chapter. If the commissioner approves a proposed plan or amendment, he shall certify the approval to the directors, and the plan, or amendment thereto, shall become effective ten (10) days after such certification. If the commissioner disapproves all or any part of the proposed plan of operation, or amendment thereto, he shall return the same to the directors with a written statement giving the reasons for disapproval and any recommendations the commissioner may wish to make. Within ten (10) days thereafter, the directors may alter the plan or amendment in accordance with the commissioner's recommendation or may return a new plan to the commissioner. The commissioner shall consider the proposals and shall then promulgate and place into effect a plan of operation certifying the same to the directors of the association after approval by the board of directors. Any such plan promulgated by the commissioner shall take effect ten (10) days after certification to the directors.

(6) The commissioner may review the plan of operation at any time he deems expedient or prudent. After review of the plan, the commissioner may amend the plan after consultation with the directors of the association and upon certification to the directors of the amendment.

SECTION 9. Section 83-34-23, Mississippi Code of 1972, is amended as follows:

83-34-23. There shall be no liability on the part of the insurance commissioner or any of his staff and representatives for any action taken under and pursuant to the provisions of this chapter. There shall be no liability on the part of the association, its agents, representatives or employees, the members of the board, or any assessable insurer of the association, except for the * * * specific obligations * * * stated in any contract of insurance and the duty to pay assessments as provided in this chapter.

SECTION 10. Section 83-34-31, Mississippi Code of 1972, is amended as follows:

83-34-31. (1) The board of directors, subject to the approval of the commissioner, shall have the power and authority to issue bonds, and the power and authority to enter into loans, letters of credit, lines of credit, and other forms of indebtedness, as needed for operations, the purchase of reinsurance, claim losses, and incurred but not reported claims.

* * *

(* * *2) * * * The bonds must be in a form approved by the commissioner. With approval of the commissioner, the association may issue bonds or incur other indebtedness to retire or consolidate bonds as appropriate. Bonds and other debt obligations issued by or on behalf of the association are not to be considered "state bonds" and shall not be an obligation of the state.

(* * *3) The state hereby covenants with holders of bonds issued pursuant to this * * * chapter that the state will not limit, alter or deny the duties and obligations of this chapter, and of the association and the commissioner as established by this chapter, necessary to fulfill the terms of any agreements with bondholders, or in any way impair the rights and remedies of such bondholders as long as any such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds.

SECTION 11. Section 83-34-33, Mississippi Code of 1972, is amended as follows:

83-34-33. (1) When the association knows or has reason to believe that (a) it has or will incur losses from a * * * covered event that exceeds available surplus, reinsurance, recoupable or nonrecoupable assessments and other reasonably available assets of the association, such that one or more bond issues or other financing, or both, will be necessary to pay claims losses and other related expenses, or (b) the association has * * * an excess deficit that cannot be reasonably resolved by income available to the association above the minimum reserve, then the association shall immediately give notice to the commissioner and request that the commissioner implement * * * an excess * * * deficit surcharge on all property and casualty insurance premiums for insurance for property and operations in this state designed to recover to the association the amount of all such bonds and other indebtedness resulting from the * * * covered event, or other deficit.

(2) All such bonds and loans are secured by the power and duty of the commissioner to implement surcharges against all property and casualty insurance premiums for insurance for property and activities in this state sufficient to repay the bonds or loans, or both.

(3) If any of the bonds remain unsold sixty (60) days after issuance, the commissioner shall require all assessable insurers to purchase the bonds, which purchased bonds shall be treated as admitted assets; each assessable insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the assessable insurer's current percentage of participation. An assessable insurer shall not be required to purchase the bonds to the extent that the commissioner determines that the purchase would endanger or impair the solvency of the insurer. The bonds must be in a form approved by the commissioner. With approval of the commissioner, the association may issue bonds or incur other indebtedness to retire or consolidate bonds as appropriate. Bonds and other debt obligations issued by or on behalf of the association are not to be considered "state bonds" and shall not be an obligation of the state.

(* * *4) At such time as the commissioner can reasonably estimate the amount of bonds or indebtedness, or both, necessitated by a * * * covered event, and in no event more than ninety (90) days from the notice given by the association, the commissioner shall have the duty and the power to implement an excess * * * deficit surcharge on all property and casualty insurance premiums for insurance for property and activities in this state. "Premiums" includes premiums for policies issued by or for the association and by or for the Mississippi Residential Property Insurance Underwriting Association. "Premiums" shall not include premiums for workers' compensation coverage, premiums for medical malpractice liability coverage including medical malpractice liability coverage issued by companies created under Section 83-47-1 et seq., nor any premiums for coverage by insurance pools or plans administered by or through the State of Mississippi.

(* * *5) If the excess deficit surcharge is designed to repay bonds, it shall be designated as such and all funds recovered from the excess deficit surcharge shall be used for repayment of the bonds for which it was implemented, until such time as the bonds have been paid or redeemed.

(* * *6) If the excess deficit surcharge is designed to repay a specific indebtedness incurred for losses from a specific * * * covered event, it shall be designated as such and all funds recovered from the excess deficit surcharge shall be used for repayment of the indebtedness for which it was implemented, until such time as the indebtedness has been paid or redeemed.

(* * *7) Such excess deficit surcharge shall be specifically identified on either the premium statements or the policy declarations pages or other appropriate policy forms as relating to the specific * * * covered event losses or bonds or indebtedness for which it was implemented. The commissioner shall name each such excess deficit surcharge so that it can be uniformly identified by insurers and agents.

(* * *8) The excess deficit surcharge shall be a percentage of the total policy premium but the excess deficit surcharge shall not be considered premium and is not subject to premium taxes or commissions. However, failure to pay the excess deficit surcharge shall be treated the same as failure to pay premium. "Total policy premium" includes taxes and commissions.

(* * *9) The commissioner shall implement an appropriate excess deficit surcharge percentage sufficient to recover the amount necessary for repayment of bonds and indebtedness necessitated by a * * * covered event, or the resolution of other deficit, as applicable. If at any time such surcharge shall be insufficient, the commissioner shall increase the excess deficit surcharge as necessary and appropriate. The commissioner shall cease excess deficit surcharges as he determines appropriate funds have been collected. However, the commissioner shall endeavor to apply excess deficit surcharges on a one-year basis in order to promote consistency, nondiscrimination and fairness among policyholders purchasing or renewing insurance during that year. Any collections in excess of the amounts needed shall be assets of the association for investment and other uses.

(* * *10) Each licensed insurer issuing insurance for property and casualty risks in the state and each agent placing insurance through nonadmitted insurers, shall collect the excess deficit surcharges established by the commissioner under the authority of this section. Funds collected by such licensed insurers and agents placing insurance through nonadmitted insurers as excess deficit surcharges authorized by this section shall be collected and held in trust and shall be fully remitted to the association on a quarterly basis with forms providing appropriate information as designed by the association. Insurers and agents shall remit such funds to the association within twenty (20) days after the end of each quarter. At such time the insurers and agents shall further remit to the association all interest earned on the excess deficit surcharge funds.

(* * *11) The association and the commissioner are both specifically given the power to audit licensed insurers and agents placing insurance through nonadmitted insurers to confirm the accuracy of remittances of excess deficit surcharges at the expense of the licensed insurers and agents.

(* * *12) The commissioner has the duty and power to adjust the percentage of any excess deficit surcharge previously established as he finds appropriate taking into consideration any relevant factors, including, but not limited to, consolidation or replacement of bonds, any additional indebtedness resulting from a * * * covered event, the rate of recovery, anticipated length of total recovery, and impact of other * * * covered events; however, the commissioner shall not reduce the amount of * * * excess deficit surcharges implemented and designated to pay or redeem bonds, or other indebtedness below the amount necessary to timely pay or redeem such bonds, or other indebtedness.

(* * *13) When the association knows or has reason to believe that excess deficit surcharges authorized by this section previously established by the commissioner will be insufficient to timely pay or redeem bonds or indebtedness, the association shall immediately give notice to the commissioner. The commissioner shall alter such excess deficit surcharge as necessary to timely pay or redeem bonds or pay other indebtedness.

(* * *14) The association shall report quarterly to the commissioner providing all financial information for each excess deficit surcharge authorized by this section, including:

(a) The original and current outstanding indebtedness of all bonds and loans;

(b) Total excess deficit surcharge funds recovered to date; and

(c) Any information requested by the commissioner.

(* * *15) The commissioner may request, and the association shall provide, on an immediate basis to the commissioner any financial information or other information concerning any excess deficit surcharge. This section shall not limit the reporting requirements provided by Section 83-34-25.

SECTION 12. Section 83-34-35, Mississippi Code of 1972, is amended as follows:

83-34-35. In order to avoid or lessen the possibility and amount of excess deficit surcharges authorized by this chapter, the commissioner shall approve rates for policies issued by the association at least adequate to fund annual reinsurance above a self-insured retention of One Hundred Million Dollars ($100,000,000.00) that, combined with any readily available reserves of the association, is sufficient to cover at least the probable maximum losses from a storm expected to occur once every one hundred (100) years as predicted by a model or method approved by the commissioner for the properties insured by the association at the time the reinsurance was negotiated. The amount of reinsurance in the foregoing rate adequacy requirement shall increase every two (2) years by increasing the probable maximum loss by five (5) years, until such time as the probable maximum loss insured is for a storm expected to occur every one hundred fifty (150) years. The commissioner may approve rates in excess of the minimums required by this section as consistent with his duties and the insurance laws of the State of Mississippi. Any self-insured retention related to the purchase of reinsurance shall be subject to the prior approval of the commissioner.

SECTION 13. Section 83-34-11, Mississippi Code of 1972, which implements a surcharge on all property and casualty insurance premiums in this state, is hereby repealed.

SECTION 14. Section 17-23-1, Mississippi Code of 1972, is amended as follows:

17-23-1. (1) There is established the Rural Fire Truck Acquisition Assistance Program to be administered by the Department of Insurance for the purpose of assisting counties and municipalities in the acquisition of fire trucks.

(2) There is created in the State Treasury a special fund to be designated as the "Rural Fire Truck Fund." The Legislature may appropriate that amount necessary to fulfill the obligations created under this section by the Department of Insurance, from the State General Fund to such special fund, which sum shall be added to the remainder of the money transferred on July 1, 1995, and during the 1996 Regular Session to the Rural Fire Truck Fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Unobligated amounts remaining in the Rural Fire Truck Fund, Fund No. 3507, or in any fund created for funds appropriated or otherwise made available for this program, may be used as

matching funds by any county with remaining eligibility as provided herein. It is the intent of the Legislature that the Department of Insurance continue to accept applications from the counties for fire trucks as provided in subsection (3) of this section.

(3) (a) A county that meets the requirements provided herein may receive an amount not to exceed * * * Eight Hundred Thirty Thousand Dollars ($830,000.00) as provided in subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi) * * *, (xii) and (xiii) of this paragraph, and such amount shall be divided as follows: an amount of not more than Fifty Thousand Dollars ($50,000.00) per fire truck for the first six (6) trucks and not more than Seventy Thousand Dollars ($70,000.00) per fire truck for the seventh, eighth, ninth, tenth and eleventh trucks, and not more than Ninety Thousand Dollars ($90,000.00) per fire truck for the twelfth and thirteenth truck. Monies distributed under this chapter shall be expended only for the purchase of new fire trucks and such trucks must meet the National Fire Protection Association (NFPA) standards in the 1900 series.

(i) Any county that has not applied for a fire truck under this section is eligible to submit applications for * * * thirteen (13) fire trucks as follows: six (6) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of * * * Eight Hundred Thirty Thousand Dollars ($830,000.00).

(ii) Any county that has received one (1) fire truck under this section is eligible to submit applications for * * * twelve (12) fire trucks as follows: five (5) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of * * * Seven Hundred Eighty Thousand Dollars ($780,000.00).

(iii) Any county that has received two (2) fire trucks under this section is eligible to submit an application for * * * eleven (11) fire trucks as follows: four (4) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Seven Hundred Thirty Thousand Dollars ($730,000.00).

(iv) Any county that has received three (3) fire trucks under this section is eligible to submit an application for * * * ten (10) fire trucks as follows: three (3) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Six Hundred Eighty Thousand Dollars ($680,000.00).

(v) Any county that has received four (4) fire trucks under this section is eligible to submit an application for * * * nine (9) fire trucks as follows: two (2) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Six Hundred Thirty Thousand Dollars ($630,000.00).

(vi) Any county that has received five (5) fire trucks under this section is eligible to submit an application for * * * eight (8) fire trucks as follows: one (1) fire truck at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Five Hundred Eighty Thousand Dollars ($580,000.00).

(vii) Any county that has received six (6) fire trucks under this section is eligible to submit an application for * * * seven (7) fire trucks as follows: five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Five Hundred Thirty Thousand Dollars ($530,000.00).

(viii) Any county that has received seven (7) fire trucks under this section is eligible to submit an application for * * * six (6) fire trucks as follows: four (4) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Four Hundred Sixty Thousand Dollars ($460,000.00).

(ix) Any county that has received eight (8) fire trucks under this section is eligible to submit an application for * * * five (5) fire trucks as follows: three (3) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Three Hundred Ninety Thousand Dollars ($390,000.00).

(x) Any county that has received nine (9) fire trucks under this section is eligible to submit an application for * * * four (4) fire trucks as follows: two (2) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand

Dollars ($90,000.00) per truck or a total of not more than * * * Three Hundred Twenty Thousand Dollars ($320,000.00).

(xi) Any county that has received ten (10) fire trucks under this section is eligible to submit an application for * * * three (3) fire trucks as follows: one (1) fire truck at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Two Hundred Fifty Thousand Dollars ($250,000.00).

(xii) Any county that has received eleven (11) fire trucks under this section is eligible to submit an application for * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck.

(xiii) Any county may apply for * * * two (2) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck as provided in subparagraph (xii), provided that the county agrees to forego any previous fire truck under subparagraphs (i) through (xi) for which the county has not previously applied, and that the county has received approval from the Rural Fire Truck Acquisition Assistance Program Committee to apply for and receive a truck under subparagraph (xii).

(b) The board of supervisors of the county shall submit its request for the receipt of monies to the Department of Insurance. A committee composed of the Commissioner of Insurance, the State Fire Coordinator, the Director of the Rating Bureau and the Director of the State Fire Academy shall review the requests by the boards of supervisors and shall determine whether the county or municipality for which the board of supervisors has requested a truck meets the requirements of eligibility under this chapter.

(c) To be eligible to receive monies under this chapter:

(i) A county or municipality must pledge to set aside or dedicate each year as matching funds, for a period not to extend over ten (10) years, local funds in an amount equal to or not less than one-tenth (1/10) of the amount of monies for which it is requesting distribution from the Rural Fire Truck Fund, which pledged monies may be derived from local ad valorem tax authorized by law or from any other funds available to the county or municipality, except for those funds received by municipalities or counties from the Municipal Fire Protection Fund or the County Volunteer Fire Department Fund, as defined in Sections 83-1-37 and 83-1-39.

(ii) A municipality must provide adequate documentation of its contract with the county that requires the municipality to provide fire protection in rural areas. The term "rural areas" means any area within the county located outside the boundaries of an incorporated municipality or any incorporated municipality with a population of two thousand five hundred (2,500) or less.

(d) The Department of Insurance shall maintain an accurate record of all monies distributed to counties and municipalities and the number of fire trucks purchased and the cost for each fire truck, such records to be kept separate from other records of the Department of Insurance; notify counties and municipalities of the Rural Fire Truck Acquisition Assistance Program and the requirements for them to become eligible to participate; adopt and promulgate such rules and regulations as may be necessary and desirable to implement the provisions of this chapter; and file with the Legislature a report detailing how monies made available under this chapter were distributed and spent during the preceding portion of the fiscal year in each county and municipality, the number of fire trucks purchased, the counties and municipalities making such purchases, and the cost of each fire truck purchased.

SECTION 15. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 578

Description: Teacher and administrator licenses; clarify grounds for disciplinary action and reinstatement.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

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   1  01/15   (H) Referred To Education
   2  01/31   (H) Title Suff Do Pass As Amended
   3  02/06   (H) Amended
   4  02/06   (H) Passed As Amended {Vote}
   5  02/08   (H) Transmitted To Senate
   6  02/26   (S) Referred To Education
   7  03/04   (S) Title Suff Do Pass As Amended
   8  03/13   (S) Amended
   9  03/13   (S) Passed As Amended {Vote}
  10  03/14   (S) Returned For Concurrence
  11  03/19   (H) Decline to Concur/Invite Conf
  12  03/20   (H) Conferees Named Bennett,Barton,Cockerham
  13  03/22   (S) Conferees Named Tollison,Caughman,Hill
  14  03/27   (S) Conference Report Filed
  15  03/27   (H) Conference Report Filed
  16  03/28   (S) Conference Report Adopted {Vote}
  17  03/28   (H) Conference Report Adopted {Vote}
  18  04/02   (H) Enrolled Bill Signed
  19  04/02   (S) Enrolled Bill Signed
  20  04/02   Due From Governor 04/19/19
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Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 578

Conference Reports:
| Conference Report

Code Section: A 037-0003-0002

----- Additional Information -----

House Committee: Education
Senate Committee: Education

Principal Author:
Additional Authors:

Title: AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THE MEMBERSHIP OF THE COMMISSION ON TEACHER AND ADMINISTRATOR EDUCATION, CERTIFICATION AND LICENSURE AND DEVELOPMENT; TO CLARIFY PROCEDURES FOR APPEAL OF EDUCATOR LICENSURE DECISIONS BY THE COMMISSION, ITS SUBCOMMITTEE OR HEARING OFFICER; TO REVISE THE GROUNDS FOR DENIAL OF EDUCATOR LICENSURE APPLICATIONS OR IMMEDIATE REVOCATION OF CURRENT LICENSE AND TO PROVIDE AUTHORITY FOR LICENSURE PROBATION; TO CLARIFY PROCEDURES FOR EDUCATOR LICENSURE REINSTATEMENT FOLLOWING SUSPENSION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Bennett To: Education

HOUSE BILL NO. 578

(As Sent to Governor)

AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THE MEMBERSHIP OF THE COMMISSION ON TEACHER AND ADMINISTRATOR EDUCATION, CERTIFICATION AND LICENSURE AND DEVELOPMENT; TO CLARIFY PROCEDURES FOR APPEAL OF EDUCATOR LICENSURE DECISIONS BY THE COMMISSION, ITS SUBCOMMITTEE OR HEARING OFFICER; TO REVISE THE GROUNDS FOR DENIAL OF EDUCATOR LICENSURE APPLICATIONS OR IMMEDIATE REVOCATION OF CURRENT LICENSE AND TO PROVIDE AUTHORITY FOR LICENSURE PROBATION; TO CLARIFY PROCEDURES FOR EDUCATOR LICENSURE REINSTATEMENT FOLLOWING SUSPENSION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-3-2, Mississippi Code of 1972, is amended as follows:

37-3-2. (1) There is established within the State Department of Education the Commission on Teacher and Administrator Education, Certification and Licensure and Development. It shall be the purpose and duty of the commission to make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.

(2) (a) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each of the four (4) congressional districts, as such districts existed on January 1, 2011, in accordance with the population calculations determined by the 2010 federal decennial census, including: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of public institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the Mississippi Community College Board; one (1) local school board member; and four (4) laypersons. Three (3) members of the commission, at the sole discretion of the State Board of Education, shall be appointed from the state at large.

(b) All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

(3) The State Board of Education when making appointments shall designate a chairman. The commission shall meet at least once every two (2) months or more often if needed. Members of the commission shall be compensated at a rate of per diem as authorized by Section 25-3-69 and be reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

(4) (a) An appropriate staff member of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve as executive secretary and coordinator for the commission. No less than two (2) other appropriate staff members of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve on the staff of the commission.

(b) An Office of Educator Misconduct Evaluations shall be established within the State Department of Education to assist the commission in responding to infractions and violations, and in conducting hearings and enforcing the provisions of subsections (11), (12), (13), (14) and (15) of this section, and violations of the Mississippi Educator Code of Ethics.

(5) It shall be the duty of the commission to:

(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation programs in the state;

(b) Recommend to the State Board of Education each year approval or disapproval of each educator preparation program in the state, subject to a process and schedule determined by the State Board of Education;

(c) Establish, subject to the approval of the State Board of Education, standards for initial teacher certification and licensure in all fields;

(d) Establish, subject to the approval of the State Board of Education, standards for the renewal of teacher licenses in all fields;

(e) Review and evaluate objective measures of teacher performance, such as test scores, which may form part of the licensure process, and to make recommendations for their use;

(f) Review all existing requirements for certification and licensure;

(g) Consult with groups whose work may be affected by the commission's decisions;

(h) Prepare reports from time to time on current practices and issues in the general area of teacher education and certification and licensure;

(i) Hold hearings concerning standards for teachers' and administrators' education and certification and licensure with approval of the State Board of Education;

(j) Hire expert consultants with approval of the State Board of Education;

(k) Set up ad hoc committees to advise on specific areas; and

(l) Perform such other functions as may fall within their general charge and which may be delegated to them by the State Board of Education.

(6) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements. Applicants for a standard license shall submit to the department:

(i) An application on a department form;

(ii) An official transcript of completion of a teacher education program approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a Bachelor of Science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person's college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher Education and Certification (NASDTEC) or, for those applicants who have a Bachelor of Science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS). Effective July 1, 2016, for initial elementary education licensure, a teacher candidate must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the State Board of Education;

(iii) A copy of test scores evidencing satisfactory completion of nationally administered examinations of achievement, such as the Educational Testing Service's teacher testing examinations;

(iv) Any other document required by the State Board of Education; and

(v) From and after September 30, 2015, no teacher candidate shall be licensed to teach in Mississippi who did not meet the following criteria for entrance into an approved teacher education program:

1. Twenty-one (21) ACT equivalent or achieve the nationally recommended passing score on the Praxis Core Academic Skills for Educators examination; and

2. No less than 2.75 GPA on pre-major coursework of the institution's approved teacher education program provided that the accepted cohort of candidates meets or exceeds a 3.0 GPA on pre-major coursework.

(b) **Standard License - Nontraditional Teaching Route.** From and after September 30, 2015, no teacher candidate shall be licensed to teach in Mississippi under the alternate route who did not meet the following criteria:

(i) Twenty-one (21) ACT equivalent or achieve the nationally recommended passing score on the Praxis Core Academic Skills for Educators examination; and

(ii) No less than 2.75 GPA on content coursework in the requested area of certification or passing Praxis II scores at or above the national recommended score provided that the accepted cohort of candidates of the institution's teacher education program meets or exceeds a 3.0 GPA on pre-major coursework.

Beginning January 1, 2004, an individual who has a passing score on the Praxis I Basic Skills and Praxis II Specialty Area Test in the requested area of endorsement may apply for the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.

(i) The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include, but not be limited to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and pedagogy, using test results to improve instruction, and a one (1) semester three-hour supervised internship to be completed while the teacher is employed as a full-time teacher intern in a local school district. The TMI shall be implemented on a pilot program basis, with courses to be offered at up to four (4) locations in the state, with one (1) TMI site to be located in each of the three (3) Mississippi Supreme Court districts.

(ii) The school sponsoring the teacher intern shall enter into a written agreement with the institution providing the Teach Mississippi Institute (TMI) program, under terms and conditions as agreed upon by the contracting parties, providing that the school district shall provide teacher interns seeking a nontraditional provisional teaching license with a one-year classroom teaching experience. The teacher intern shall successfully complete the one (1) semester three-hour intensive internship in the school district during the semester immediately following successful completion of the TMI and prior to the end of the one-year classroom teaching experience.

(iii) Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his transcript to the commission for provisional licensure of the intern teacher, and the intern teacher shall be issued a provisional teaching license by the commission, which will allow the individual to legally serve as a teacher while the person completes a nontraditional teacher preparation internship program.

(iv) During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.

(v) An individual issued a provisional teaching license under this nontraditional route shall successfully complete, at a minimum, a one-year beginning teacher mentoring and induction program administered by the employing school district with the assistance of the State Department of Education.

(vi) Upon successful completion of the TMI and the internship provisional license period, applicants for a Standard License - Nontraditional Route shall submit to the commission a transcript of successful completion of the twelve (12) semester hours required in the internship program, and the employing school district shall submit to the commission a recommendation for standard licensure of the intern. If the school district recommends licensure, the applicant shall be issued a Standard License - Nontraditional Route which shall be valid for a five-year period and be renewable.

(vii) At the discretion of the teacher preparation institution, the individual shall be allowed to credit the twelve (12) semester hours earned in the nontraditional teacher internship program toward the graduate hours required for a Master of Arts in Teacher (MAT) Degree.

(viii) The local school district in which the nontraditional teacher intern or provisional licensee is employed shall compensate such teacher interns at Step 1 of the required salary level during the period of time such individual is completing teacher internship requirements and shall compensate such Standard License - Nontraditional Route teachers at Step 3 of the required salary level when they complete license requirements.

Implementation of the TMI program provided for under this paragraph (b) shall be contingent upon the availability of funds appropriated specifically for such purpose by the Legislature. Such implementation of the TMI program may not be deemed to prohibit the State Board of Education from developing and implementing additional alternative route teacher licensure programs, as deemed appropriate by the board. The emergency certification program in effect prior to July 1, 2002, shall remain in effect.

A Standard License - Approved Program Route shall be issued for a five-year period, and may be renewed. Recognizing teaching as a profession, a hiring preference shall be granted to persons holding a Standard License - Approved Program Route or Standard License - Nontraditional Teaching Route over persons holding any other license.

(c) **Special License - Expert Citizen.** In order to allow a school district to offer specialized or technical courses, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may grant a one-year expert citizen-teacher license to local business or other professional personnel to teach in a public school or nonpublic school accredited or approved by the state. Such person may begin teaching upon his employment by the local school board and licensure by the Mississippi Department of Education. The board shall adopt rules and regulations to administer the expert citizen-teacher license. A Special License - Expert Citizen may be renewed in accordance with the established rules and regulations of the State Department of Education.

(d) **Special License - Nonrenewable.** The State Board of Education is authorized to establish rules and regulations to allow those educators not meeting requirements in paragraph (a), (b) or (c) of this subsection (6) to be licensed for a period of not more than three (3) years, except by special approval of the State Board of Education.

(e) **Nonlicensed Teaching Personnel.** A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school district or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission and approved by the State Board of Education. In no case shall any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.** Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in

English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

(g) In the event any school district meets the highest accreditation standards as defined by the State Board of Education in the accountability system, the State Board of Education, in its discretion, may exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

(h) **Highly Qualified Teachers.** Beginning July 1, 2006, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act, must be granted a standard five-year license by the State Department of Education.

(7) **Administrator License.** The State Board of Education is authorized to establish rules and regulations and to administer the licensure process of the school administrators in the State of Mississippi. There will be four (4) categories of administrator licensure with exceptions only through special approval of the State Board of Education.

(a) **Administrator License - Nonpracticing.** Those educators holding administrative endorsement but having no administrative experience or not serving in an administrative position on January 15, 1997.

(b) **Administrator License - Entry Level.** Those educators holding administrative endorsement and having met the department's qualifications to be eligible for employment in a Mississippi school district. Administrator License - Entry Level shall be issued for a five-year period and shall be nonrenewable.

(c) **Standard Administrator License - Career Level.** An administrator who has met all the requirements of the department for standard administrator licensure.

(d) **Administrator License - Nontraditional Route.** The board may establish a nontraditional route for licensing administrative personnel. Such nontraditional route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

Individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the State Board of Education. All applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(8) **Reciprocity.** (a) The department shall grant a standard license to any individual who possesses a valid standard license from another state and meets minimum Mississippi license requirements or equivalent requirements as determined by the State Board of Education. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(b) The department shall grant a nonrenewable special license to any individual who possesses a credential which is less than a standard license or certification from another state. Such special license shall be valid for the current school year plus one (1) additional school year to expire on June 30 of the second year, not to exceed a total period of twenty-four (24) months, during which time the applicant shall be required to complete the requirements for a standard license in Mississippi.

(9) **Renewal and Reinstatement of Licenses.** The State Board of Education is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree.

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members, or by a hearing officer retained and appointed by the commission, for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be

by sworn affidavit filed with the Commission on Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission * * *, its subcommittee or hearing officer, shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the * * * commission, its subcommittee or hearing officer. An appeal to the State Board of Education shall be perfected upon filing a notice of the appeal and by the prepayment of the costs of the preparation of the record of proceedings by the commission, its subcommittee or hearing officer. An appeal shall be on the record previously made before the commission * * *, its subcommittee or hearing officer, unless otherwise provided by rules and regulations adopted by the board. The decision of the commission, its subcommittee or hearing officer shall not be disturbed on appeal if supported by substantial evidence, was not arbitrary or capricious, within the authority of the commission, and did not violate some statutory or constitutional right. The State Board of Education in its authority may reverse, or remand with instructions, the decision of the * * * commission, its subcommittee or hearing officer. The decision of the State Board of Education shall be final.

(11) (a) The State Board of Education, acting through the commission, may deny an application for any teacher or administrator license for one or more of the following:

(* * *i) Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;

(* * *ii) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

(* * *iii) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effect, at the time of application for a license;

* * *

(* * *iv) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;

(* * *v) Failing or refusing to furnish reasonable evidence of identification;

(* * *vi) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this subparagraph (vi) of this paragraph (a), a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(* * *vii) The applicant or licensee is on probation or post-release supervision for a felony or * * * conviction, as defined by federal or state law * * *. However, this disqualification expires upon the end of the probationary or post-release supervision period.

(b) The State Board of Education, acting through the commission, shall deny an application for any teacher or administrator license, or immediately revoke the current teacher or administrator license, for one or more of the following:

(* * *i) If the applicant or licensee has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law. For purposes of this subparagraph (* * *i) * * * of this * * * paragraph (b), a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion; * * *

(ii) The applicant or licensee is on probation or post-release supervision for a sex offense conviction, as defined by federal or state law;

(iii) The license holder has fondled a student as described in Section 97-5-23, or had any type of sexual involvement with a student as described in Section 97-3-95; or

(iv) The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.

(12) The State Board of Education, acting through the commission, may revoke, suspend or refuse to renew any teacher or administrator license for specified periods of time or may place on probation, * * * reprimand a licensee, or take other disciplinary action with regard to any license issued under this chapter for one or more of the following:

(a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57;

(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;

(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;

(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this paragraph, a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

* * *

(* * *e) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1);

(* * *f) The license holder has engaged in unethical conduct relating to an educator/student relationship as identified by the State Board of Education in its rules;

* * *

(* * *g) The license holder served as superintendent or principal in a school district during the time preceding and/or that resulted in the Governor declaring a state of emergency and the State Board of Education appointing a conservator;

(* * *h) The license holder submitted a false certification to the State Department of Education that a statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System; or

(* * *i) The license holder has failed to comply with the Procedures for Reporting Infractions as promulgated by the commission and approved by the State Board of Education pursuant to subsection (15) of this section.

For purposes of this subsection, probation shall be defined as a length of time determined by the commission, its subcommittee or hearing officer, and based on the severity of the offense in which the license holder shall meet certain requirements as prescribed by the commission, its subcommittee or hearing officer.

Failure to complete the requirements in the time specified shall result in immediate suspension of the license for one (1) year.

(13) (a) Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense.

(b) Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

(c) A person may voluntarily surrender a license. The surrender of such license may result in the commission recommending any of the above penalties without the necessity of a hearing. However, any such license which has voluntarily been surrendered by a licensed employee may only be reinstated by a majority vote of all members of the commission present at the meeting called for such purpose.

(14) (a) A person whose license has been * * * suspended or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of * * * suspension or surrender, or after one-half (1/2) of the * * * suspended or surrendered time has lapsed, whichever is greater. A person whose license has been suspended or revoked on any grounds or violations under subsection (12) of this section may be reinstated automatically or approved for a reinstatement

hearing, upon submission of a written request to the commission. A license suspended, revoked or surrendered on criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon conviction. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

(b) A person whose license expires while under investigation by the Office of Educator Misconduct for an alleged violation may not be reinstated without a hearing before the commission if required based on the results of the investigation.

(15) Reporting procedures and hearing procedures for dealing with infractions under this section shall be promulgated by the commission, subject to the approval of the State Board of Education. The revocation or suspension of a license shall be effected at the time indicated on the notice of suspension or revocation. The commission shall immediately notify the superintendent of the school district or school board where the teacher or administrator is employed of any disciplinary action and also notify the teacher or administrator of such revocation or

suspension and shall maintain records of action taken. The State Board of Education may reverse or remand with instructions any decision of the commission, its subcommittee or hearing officer regarding a petition for reinstatement of a license, and any such decision of the State Board of Education shall be final.

(16) An appeal from the action of the State Board of Education in denying an application, revoking or suspending a license or otherwise disciplining any person under the provisions of this section shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be filed within thirty (30) days after notification of the action of the board is mailed or served and the proceedings in chancery court shall be conducted as other matters coming before the court. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of preparation of the record of the proceedings by the State Board of Education, and the filing of a bond in the sum of Two Hundred Dollars ($200.00) conditioned that if the action of the board be affirmed by the chancery court, the applicant or license holder shall pay the costs of the appeal and the action of the chancery court.

(17) All such programs, rules, regulations, standards and criteria recommended or authorized by the commission shall become

effective upon approval by the State Board of Education as designated by appropriate orders entered upon the minutes thereof.

(18) The granting of a license shall not be deemed a property right nor a guarantee of employment in any public school district. A license is a privilege indicating minimal eligibility for teaching in the public school districts of Mississippi. This section shall in no way alter or abridge the authority of local school districts to require greater qualifications or standards of performance as a prerequisite of initial or continued employment in such districts.

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section

93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 698

Description: Construction contracts; allow public entities to allocate additional funds to project budget.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(H)	Referred To Public Property
2	01/29	(H)	Title Suff Do Pass
3	01/31	(H)	Passed {Vote}
4	02/01	(H)	Transmitted To Senate
5	02/26	(S)	Referred To Public Property; Accountability, Efficiency, Transparency
6	03/05	(S)	DR - TSDPAA: PP To AC
7	03/05	(S)	Title Suff Do Pass As Amended
8	03/06	(S)	Amended
9	03/06	(S)	Passed As Amended {Vote}
10	03/07	(S)	Returned For Concurrence
11	03/12	(H)	Decline to Concur/Invite Conf
12	03/19	(H)	Conferees Named Weathersby,Holloway,Sullivan
13	03/22	(S)	Conferees Named Blount,Polk,Doty
14	03/26	(S)	Conference Report Filed
15	03/26	(H)	Conference Report Filed
16	03/28	(S)	Conference Report Adopted {Vote}
17	03/28	(H)	Conference Report Adopted {Vote}
18	04/02	(H)	Enrolled Bill Signed
19	04/02	(S)	Enrolled Bill Signed
20	04/02		Due From Governor 04/19/19

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 698

Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Public Property
Senate Committee: Public Property, Accountability, Efficiency, Transparency

Principal Author: Weathersby
Additional Authors: Dixon

Title: AN ACT TO CREATE NEW SECTION 31-5-39, MISSISSIPPI CODE OF 1972, TO ALLOW PUBLIC ENTITIES TO ALLOCATE ADDITIONAL FUNDS TO A PROJECT COST ESTIMATE IN ORDER TO ALLOW AN AWARD TO THE LOWEST AND BEST BIDDER WHILE MAINTAINING THE CURRENT LIMITATION ON NEGOTIATION AUTHORITY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Weathersby, Dixon To: Public Property

HOUSE BILL NO. 698
(As Sent to Governor)

AN ACT TO CREATE NEW SECTION 31-5-39, MISSISSIPPI CODE OF 1972, TO ALLOW PUBLIC ENTITIES TO ALLOCATE ADDITIONAL FUNDS TO A PROJECT COST ESTIMATE IN ORDER TO ALLOW AN AWARD TO THE LOWEST AND BEST BIDDER WHILE MAINTAINING THE CURRENT LIMITATION ON NEGOTIATION AUTHORITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 31-5-39, Mississippi Code of 1972:

31-5-39. On or before the date and time established to receive bids for any contract related to the construction of any building, highway, road, bridge or other public work or improvement by the State of Mississippi, its agencies, departments, institutions, or instrumentalities of the state or political subdivisions of the state, such entity shall establish a cost estimate for the project. The cost estimate shall reflect the total amount of funds allocated to the project, including the specific amount allocated for construction. Additional funds may be allocated to a project at any time, including for purposes of awarding a contract to the lowest and best bidder. Additional funds may not be allocated after the date and time established for the receipt of bids for the purpose of increasing negotiation authority.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

House Bill 740

Description: MS State Oil and Gas Board; remove from the provisions of the MS Budget Transparency and Simplification Act.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(H)	Referred To Appropriations
2	01/31	(H)	Title Suff Do Pass Comm Sub
3	02/07	(H)	Committee Substitute Adopted
4	02/07	(H)	Amended
5	02/07	(H)	Passed As Amended {Vote}
6	02/08	(H)	Transmitted To Senate
7	02/27	(S)	Referred To Appropriations
8	03/05	(S)	Title Suff Do Pass As Amended
9	03/06	(S)	Amended
10	03/06	(S)	Passed As Amended {Vote}
11	03/07	(S)	Returned For Concurrence
12	03/12	(H)	Decline to Concur/Invite Conf
13	03/19	(H)	Conferees Named Read,Bounds,Staples
14	03/22	(S)	Conferees Named Clarke,Branning,Wilemon
15	03/28	(H)	Conference Report Filed
16	03/28	(S)	Conference Report Filed
17	03/29	(H)	Conference Report Adopted {Vote}
18	03/29	(S)	Conference Report Adopted {Vote}
19	04/02	(H)	Enrolled Bill Signed
20	04/02	(S)	Enrolled Bill Signed
21	04/02		Due From Governor 04/19/19

Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 740

Conference Reports:
Conference Report

Code Section: A 053-0001-0007, A 053-0001-0073, A 053-0001-0077, A 053-0003-0013, A 053-0011-0023, A 027-0104-0205, A 027-0103-0303

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Bounds
Additional Authors: Staples

Title: AN ACT TO AMEND SECTIONS 53-1-7, 53-1-73, 53-1-77, 53-3-13 AND 53-11-23, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISIONS OF LAW REQUIRING CERTAIN EXPENSES OF THE MISSISSIPPI STATE OIL AND GAS BOARD TO BE DEFRAYED BY APPROPRIATION FROM THE STATE GENERAL FUND; TO AMEND SECTION 27-104-205, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT THE STATE OIL AND GAS BOARD BE FUNDED BY APPROPRIATIONS FROM THE GENERAL FUND; TO FURTHER AMEND SECTION 53-1-77, MISSISSIPPI CODE OF 1972, TO RETAIN, UNTIL JULY 1, 2021, THE AUTHORITY OF THE BOARD TO OBTAIN FUNDS FROM THE CAPITAL EXPENSE FUND FOR THE EMERGENCY PLUGGING OF ORPHANED WELLS; TO AMEND SECTION 27-103-303, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Bounds, Staples To: Appropriations

HOUSE BILL NO. 740
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 53-1-7, 53-1-73, 53-1-77, 53-3-13 AND 53-11-23, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISIONS OF LAW REQUIRING CERTAIN EXPENSES OF THE MISSISSIPPI STATE OIL AND GAS BOARD TO BE DEFRAYED BY APPROPRIATION FROM THE STATE GENERAL FUND; TO AMEND SECTION 27-104-205, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT THE STATE OIL AND GAS BOARD BE FUNDED BY APPROPRIATIONS FROM THE GENERAL FUND; TO FURTHER AMEND SECTION 53-1-77, MISSISSIPPI CODE OF 1972, TO RETAIN, UNTIL JULY 1, 2021, THE AUTHORITY OF THE BOARD TO OBTAIN FUNDS FROM THE CAPITAL EXPENSE FUND FOR THE EMERGENCY PLUGGING OF ORPHANED WELLS; TO AMEND SECTION 27-103-303, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 53-1-7, Mississippi Code of 1972, is amended as follows:

53-1-7. The board shall appoint a State Oil and Gas Supervisor, herein called supervisor, who shall be a competent and qualified administrator and receive as compensation for his services an annual salary to be fixed by law. The supervisor shall be solely responsible for the administration of the offices of the State Oil and Gas Board and shall be charged with the duty of enforcing Sections 53-1-1 through 53-1-47, and Sections 53-3-3 through 53-3-165, and all rules, regulations and orders duly adopted by the board. The supervisor shall be ex officio secretary of the board and shall give bond, in such sum as the board may direct, with corporate surety to be approved by the board, conditioned that he will well and truly account for all funds coming into his hands as such secretary. He shall remit to the State Treasurer all monies collected by him as such secretary for deposit in trust for the use of the board in a special fund known as the Oil and Gas Conservation Fund to be expended as provided by law.

The supervisor shall devote his entire time to his official duties.

In addition, it shall be the supervisor's duty and responsibility to:

(a) Supervise and manage all personnel of the offices of the Oil and Gas Board.

(b) Formulate the duties and responsibilities of every staff employee in detail, including written job descriptions and written policies and procedures for performing staff tasks.

(c) Outline a detailed method of preparing, and devise a systematic procedure for the filing of reports by field inspectors.

(d) Formulate written policies and procedures for the effective and efficient operation of the office, and present these policies and procedures to the board for promulgation.

(e) Supervise the provision of technical support and assistance to the board in its decision-making capacity.

* * *

SECTION 2. Section 53-1-73, Mississippi Code of 1972, is amended as follows:

53-1-73. For the purposes of paying the costs and expenses incurred in connection with the administration and enforcement of the oil and gas conservation laws of the State of Mississippi and of the rules, regulations and orders of the State Oil and Gas Board, there is * * * levied and assessed against each barrel of oil produced in the State of Mississippi a charge not to exceed sixty (60) mills on each barrel of such oil sold, and against each one thousand (1,000) cubic feet of gas produced and sold a charge not to exceed six (6) mills on each one thousand (1,000) cubic feet of gas. The State Oil and Gas Board shall fix the amount of such charge in the first instances, and may, from time to time, change, reduce or increase the amount thereof, as in its judgment the charges against the fund may require, but the amounts fixed by * * * the board shall not exceed the limits hereinabove prescribed; and it shall be the duty of the board to make collection of such assessments. All monies collected shall be used exclusively to pay the expenses and other costs in connection with the functioning of the State Oil and Gas Board and the administration of the oil and gas conservation laws of the State of Mississippi now in force or hereafter enacted and the rules, regulations and orders of * * * the board.

* * *

SECTION 3. Section 53-1-77, Mississippi Code of 1972, is amended as follows:

53-1-77. (1) The State Oil and Gas Supervisor, as ex officio secretary of such board, shall remit to the State Treasurer all monies collected by reason of the assessments made and fixed under the provisions of Section 53-1-73, and the State Treasurer shall deposit all such monies in a special fund known as the "Oil and Gas Conservation Fund," which is * * * continued in effect.

(2) All monies on deposit in the Oil and Gas Conservation Fund on April 10, 1948, and all monies hereafter deposited in such fund, shall be held in trust for the use of the board to pay the expenses and costs incurred in connection with the administration and enforcement of the oil and gas conservation laws of the State of Mississippi and the rules, regulations and orders of the State Oil and Gas Board issued thereunder. Disbursements shall be made from such fund only upon requisition of the State Oil and Gas Supervisor, as approved and allowed by the board, and which requisitions shall be supported by itemized statements thereto attached showing the purpose or purposes of such expenditures. Such requisitions shall be drawn upon the State * * * Fiscal Officer, who shall issue a warrant upon * * * the fund. Such

warrants so issued shall be paid by the State Treasurer upon presentation.

(3) The State Oil and Gas Supervisor, as ex officio secretary of the Oil and Gas Board, shall submit, within ten (10) days, after the convening of each session of the Legislature, to the Legislature a detailed report of all receipts, expenditures and balance on hand, of funds coming to the Oil and Gas Board from any source whatsoever.

(4) In the event that at any particular time, the Oil and Gas Conservation Fund contains an amount greater than Two Hundred Thousand Dollars ($200,000.00) more than the current fiscal year's estimated budget, the amount of the excess may be used by the board and at the board's discretion, to plug any oil or gas well, including any Class II well, in the state * * * that has been determined by the board to represent an imminent threat to the environment and * * * that has been determined by the board to be an "orphan" well.

(5) The board shall have the authority, in its discretion, to use whatever legal means available to it to attempt to collect any amounts so expended from any responsible party. Any amounts so collected shall be returned to the Oil and Gas Board's Emergency Plugging Fund created herein.

(6) Amounts of surplus in the Oil and Gas Conservation Fund of over Two Hundred Thousand Dollars ($200,000.00) shall be transferred to a separate special fund of the Oil and Gas Board to

be known as the Emergency Plugging Fund, for the proper plugging of wells pursuant to this section. The supervisor shall have the authority, and it shall be his duty to transfer any amounts in the Emergency Plugging Fund back to the Oil and Gas Conservation Fund in the event and to the extent to which the Oil and Gas Conservation Fund should at any time contain less than a Two Hundred Thousand Dollars ($200,000.00) surplus.

(7) For purposes of this section, orphan well means any oil or gas well in the state, including Class II wells, * * *that has not been properly plugged according to the requirements of the statutes, rules and regulations governing same and for which a responsible party such as an owner or operator cannot be located or for which, for whatever reason, there is no other party * * * that can be forced to plug the well.

(8) Upon request of the State Oil and Gas Supervisor and subject to the limitations set forth in Section 27-103-303(4), the Director of the Department of Finance and Administration may transfer funds from the Capital Expense Fund to the State Oil and Gas Board for the emergency plugging of any oil or gas well, including any Class II well, in the state that has been determined by the board to represent an imminent threat to the environment and that has been determined by the board to be an "orphan" well. This subsection (8) shall stand repealed from and after July 1, 2021. * * *

* * *

SECTION 4. Section 53-3-13, Mississippi Code of 1972, is amended as follows:

53-3-13. (1) Any person securing a permit to drill a well in search of oil or gas under the provisions of Section 53-3-11 shall pay to the Oil and Gas Supervisor a fee of Six Hundred Dollars ($600.00) upon and for the issuance of the permit. A lesser sum may be paid if the State Oil and Gas Board shall adopt a rule fixing the amount to be paid at a sum less than Six Hundred Dollars ($600.00). Any such permit, when issued and the fee paid thereon, shall be good for a period of one (1) year from the date thereof; and in the event drilling has commenced within one (1) year, the permit shall be good for the life of the well commenced, unless during the course of drilling or production the operator is changed. In the event a change of operators from that listed in the drilling permit is desired, the operator listed and the proposed new operator shall apply to the State Oil and Gas Board for authority to change operators on forms to be prescribed by order of the State Oil and Gas Board. The fee for such change of operators shall be One Hundred Dollars ($100.00) per change, or some lesser sum as may be fixed by order of the board.

(2) The State Oil and Gas Supervisor, as ex officio Secretary of the State Oil and Gas Board, shall remit to the State Treasurer all monies collected by reason of the assessments made, fixed and authorized under the provisions of subsection (1) of this section, and the State Treasurer shall deposit all such

monies in a special fund known as the "Oil and Gas Conservation Fund."

* * *

SECTION 5. Section 53-11-23, Mississippi Code of 1972, is amended as follows:

53-11-23. (1) (a) The board is authorized to adopt regulations within its jurisdiction to assess sequestration fees that shall be subject to the approval of the Legislature.

(b) Any monies collected shall be used exclusively: (i) to pay the expenses and other costs connected with administration and enforcement of this chapter and the rules, regulations and orders of the board pursuant to this chapter; and (ii) to fund the Carbon Dioxide Storage Fund established in this chapter.

(c) Any per-ton fee shall first be applied to the administration and enforcement costs of the board's activities required or authorized by this chapter, and any amount exceeding those costs shall be transferred to a separate special fund of the State Oil and Gas Board which is hereby created and is to be known as the Carbon Dioxide Storage Fund.

(d) Transfers to the Carbon Dioxide Storage Fund from the per-ton fees shall be made monthly. Transfers from excess funds collected under subsection (1)(c) of this section may be made at any time in the fiscal year that the board shall determine appropriate. At the beginning of the following fiscal year after the transfer of the excess funds, the rate or rates to be collected under subsection (1)(c) of this section shall be reduced to reflect the excess from the prior year.

(e) When the balance in the Carbon Dioxide Storage Fund reaches or exceeds Two Million Five Hundred Thousand Dollars ($2,500,000.00) per geologic sequestration facility, the board shall abate the per-ton fee, and may adjust the annual regulatory fee as prescribed herein. The abatement shall be effective at the beginning of the ensuing fiscal year. When the Carbon Dioxide Storage Fund is reduced below Two Million Five Hundred Thousand Dollars ($2,500,000.00) per geologic sequestration facility, the per-ton fee shall again be imposed on all geologic storage operators until such time as the fund shall reach or exceed Two Million Five Hundred Thousand Dollars ($2,500,000.00) per geologic sequestration facility. The imposition of the per-ton fee shall be effective at the beginning of the ensuing fiscal year.

(f) Monies in the Carbon Dioxide Storage Fund created in this chapter may be used in the board's discretion but only if inadequate funds are available from responsible parties including the financial assurance funds provided in Section 53-11-27(2). Monies in the Carbon Dioxide Storage Fund shall only be used for oversight of geologic storage facilities after cessation of injection at the facility and release of the facility's performance bond or other assurance of performance and as shall be necessary or appropriate to satisfy the requirements of the federal Safe Drinking Water Act, including, without limitation, matters with respect to closed facilities such as: (i) inspecting, testing and monitoring of the facility, including remaining surface facilities and wells; (ii) repairing mechanical problems associated with remaining wells and surface infrastructure; and (iii) repairing mechanical leaks at the facility.

(g) The Carbon Dioxide Storage Fund shall be used for the purposes set forth in this chapter and for no other governmental purposes, nor shall any portion of the fund ever be available to borrow from by any branch of government, it being the intent of the Legislature that this fund and its increments shall remain intact and inviolate. Any interest earned on monies in this fund shall remain in this fund and shall not lapse into the General Fund.

(2) To facilitate the proper administration of the Class VI underground injection control program within its jurisdiction, the commission is authorized to assess and collect fees from Class VI permit applicants for Class VI underground injection control wells permitted by the permit board. The commission is further authorized to promulgate rules and regulations for the assessment and collection of permit fees for Class VI underground injection control wells within its jurisdiction.

* * *

SECTION 6. Section 27-104-205, Mississippi Code of 1972, is amended as follows:

27-104-205. (1) From and after July 1, 2016, the expenses of the following enumerated state agencies shall be defrayed by appropriation of the Legislature from the State General Fund: the State Fire Marshal, the State Fire Academy, the Office of Secretary of State (not including the Preneed Contracts Loss Recovery Fund), the Mississippi Public Service Commission, the Mississippi Department of Information Technology Services, (not including the Mississippi Department of Information Technology Services Revolving Fund), the State Personnel Board, the Mississippi Department of Insurance (not including the Municipal Fire Protection Fund, Section 83-1-37, the County Volunteer Fire Department Fund, Section 83-1-39, and the Mississippi Propane Education and Research Fund, Section 75-57-119), the Mississippi Law Enforcement Officers' Minimum Standards Board, the Mississippi Gaming Commission, * * * the Mississippi Department of Revenue - License Tag, the Office of the State Public Defender, the Mississippi Workers' Compensation Commission (not including the Second Injury Trust Fund) and the Office of Attorney General. Beginning July 1, 2016, any fees, assessments or other revenues charged for the support of the above-named state agencies shall be deposited into the State General Fund, and any special fund or depository established within the State Treasury for the deposit of such fees, assessments or revenues shall be abolished and the balance transferred to the State General Fund. Expenses heretofore drawn from such special funds or other depositories shall be drawn from the agencies General Fund Account.

(2) Beginning with the fiscal year ending June 30, 2016, the amount to be appropriated annually from the State General Fund for the support of each of the above-named state agencies shall not exceed the amount appropriated for such purpose in the preceding fiscal year, plus any increases in or additional fees, assessments or other charges authorized by act of the Legislature for the succeeding fiscal year.

(3) The provisions of this section shall not apply to any trust fund account that is maintained by any above-named agency.

(4) The provisions of this section shall not prohibit any of the above-named agencies from maintaining clearing accounts in approved depositories.

(5) The provisions of this section shall not apply to any trust fund accounts maintained by the Public Employees' Retirement System and protected under Section 272A of the Mississippi Constitution of 1890.

SECTION 7. Section 27-103-303, Mississippi Code of 1972, is amended as follows:

27-103-303. (1) There is created in the State Treasury a special fund, separate and apart from any other fund, to be designated the Capital Expense Fund.

(2) The Capital Expense Fund shall not be considered as a surplus or available funds when adopting a balanced budget as required by law. The State Treasurer shall invest all sums in the Capital Expense Fund not needed for the purposes provided for in this section in certificates of deposit, repurchase agreements and other securities as authorized in Section 27-105-33(d) or Section 7-9-103, as the State Treasurer may determine to yield the highest market rate available. Interest earned on this fund shall be deposited by the State Treasurer into the State General Fund.

(3) The Capital Expense Fund shall be used for capital expense needs, repair and renovation of state-owned properties and specific expenditures authorized by the Legislature. The Legislature shall designate those capital expense projects, repair and renovation projects and other authorized projects in an appropriation act passed by the Legislature, which shall direct the Director of the Department of Finance and Administration to administer the projects.

(4) In addition to the purposes specified in subsection (3) of this section, the Capital Expense Fund shall be used to provide funds for emergency repairs on state-owned buildings and, until July 1, 2021, for the emergency plugging of orphaned wells identified by the Oil and Gas Board, upon requisition of the Director of the Department of Finance and Administration. Whenever the director determines that funds are immediately needed for emergency repairs on state-owned buildings or the Oil and Gas

Board, through the State Oil and Gas Supervisor, has requested funds for the emergency plugging of orphaned wells identified by the board, he shall requisition the funds needed from the Capital Expense Fund, which shall be subject to the limitations set forth in this subsection. At the same time he makes the requisition, the director shall notify the Lieutenant Governor, the Speaker of the House of Representatives, the respective Chairmen of the Senate Appropriations Committee, the Senate Finance Committee, the House Appropriations Committee and the House Ways and Means Committee and the Legislative Budget Office of his determination of the need for the funds, the amount that he has requisitioned and where the funds will be used. If the amount requisitioned is available in the Capital Expense Fund, is not allocated for any specific projects as authorized in subsection (3) of this section and is within the limitations set forth below in this subsection, then the director may escalate the budget of the Bureau of Building, Grounds and Real Property Management or the Oil and Gas Board to use the full amount of the requisitioned funds for the emergency repairs or plugging of orphaned wells, and transfer that amount to the bureau or board for that purpose. If the amount requisitioned is more than the amount available in the Capital Expense Fund or above the limitations set forth below in this subsection, then the director may escalate the budget of the bureau or board to use the amount that is available within the limitations for the emergency repairs or plugging of orphaned wells, and transfer that amount to the bureau or board for that purpose. The maximum amount that may be transferred from the Capital Expense Fund to the bureau or board for any single emergency shall be One Million Dollars ($1,000,000.00), and the maximum amount that may be transferred to the bureau or board for all emergencies during any fiscal year shall be Five Million Dollars ($5,000,000.00).

(5) Funds deposited in the Capital Expense Fund shall be used only for the purposes specified in this section, and as long as the provisions of this section remain in effect, no other expenditure, appropriation or transfer of funds in the Capital Expense Fund shall be made except by act of the Legislature making specific reference to the Capital Expense Fund as the source of those funds.

(6) Unexpended funds in the Capital Expense Fund at the end of a fiscal year shall not lapse into the State General Fund but shall remain in the fund for use under this section. Any funds appropriated from the Capital Expense Fund that are unexpended at the end of a fiscal year shall lapse into the Capital Expense Fund.

SECTION 8. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

House Bill 779

Description: Transportation funds; revise provisions regarding.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(H)	Referred To Transportation
2	01/30	(H)	Title Suff Do Pass
3	02/06	(H)	Amended
4	02/06	(H)	Passed As Amended {Vote}
5	02/08	(H)	Transmitted To Senate
6	02/26	(S)	Referred To Finance
7	03/05	(S)	Title Suff Do Pass As Amended
8	03/07	(S)	Amended
9	03/07	(S)	Passed As Amended {Vote}
10	03/11	(S)	Returned For Concurrence
11	03/12	(H)	Decline to Concur/Invite Conf
12	03/19	(H)	Conferees Named Busby,Barton,Byrd
13	03/22	(S)	Conferees Named Fillingane,Kirby,Harkins
14	03/27	(H)	Conference Report Filed
15	03/27	(S)	Conference Report Filed
16	03/28	(H)	Conference Report Adopted {Vote}
17	03/28	(S)	Conference Report Adopted {Vote}
18	04/02	(H)	Enrolled Bill Signed
19	04/02	(S)	Enrolled Bill Signed
20	04/02	Due	From Governor 04/19/19

Amendments:
[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 779
Conference Reports:
| Conference Report

Code Section: A 065-0001-0179, A 019-0011-0027, A 065-0007-0095

----- Additional Information -----

House Committee: Transportation
Senate Committee: Finance

Principal Author: Busby
Additional Authors: Brown

Title: AN ACT TO AMEND SECTION 65-1-179, MISSISSIPPI CODE OF 1972, TO REVISE HOW THE EMERGENCY ROAD AND BRIDGE REPAIR FUND MONIES MAY BE SPENT; TO AMEND SECTION 19-11-27, MISSISSIPPI CODE OF 1972, TO ALLOW COUNTY BOARDS OF SUPERVISORS TO EXPEND CERTAIN TRANSPORTATION FUND MONIES DURING THE LAST TERM OF OFFICE OF SUCH BOARDS; TO AMEND SECTION 65-7-95, MISSISSIPPI CODE OF 1972, TO PROVIDE EXCEPTIONS TO CERTAIN LIMITATIONS ON BOARDS OF SUPERVISORS AWARDING OF CONTRACTS FOR ROADS AND BRIDGES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Busby, Brown To: Transportation

HOUSE BILL NO. 779
(As Sent to Governor)

AN ACT TO AMEND SECTION 65-1-179, MISSISSIPPI CODE OF 1972, TO REVISE HOW THE EMERGENCY ROAD AND BRIDGE REPAIR FUND MONIES MAY BE SPENT; TO AMEND SECTION 19-11-27, MISSISSIPPI CODE OF 1972, TO ALLOW COUNTY BOARDS OF SUPERVISORS TO EXPEND CERTAIN TRANSPORTATION FUND MONIES DURING THE LAST TERM OF OFFICE OF SUCH BOARDS; TO AMEND SECTION 65-7-95, MISSISSIPPI CODE OF 1972, TO PROVIDE EXCEPTIONS TO CERTAIN LIMITATIONS ON BOARDS OF SUPERVISORS AWARDING OF CONTRACTS FOR ROADS AND BRIDGES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 65-1-179, Mississippi Code of 1972, is amended as follows:

65-1-179. (1) There is created in the State Treasury a special fund to be known as the "Emergency Road and Bridge Repair Fund," into which shall be deposited money appropriated by the Legislature or otherwise made available in any manner, and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned or investment earnings on amounts in the fund shall be deposited into the fund. The expenditure of money deposited into the fund shall be under the direction of the Mississippi Department of Transportation, and such funds shall be paid by the Mississippi Department of Transportation upon warrants issued by the Department of Finance and Administration.

(2) Money in the fund shall be utilized by the Mississippi Department of Transportation, with the advice of the Emergency Road and Bridge Repair Fund Advisory Board, to provide funding for emergency repairs to roads, streets and highways in this state and emergency bridge repairs on public roads, streets and highways in this state, as determined by a unanimous vote of the Mississippi Transportation Commission. However, before the expenditure of money in the fund, the department shall promulgate rules and regulations as authorized in subsection (3) of this section.

(3) (a) There is created the Emergency Road and Bridge Repair Fund Advisory Board which shall consist of the following members:

(i) The President and Chief Executive Officer of the Mississippi Economic Council;

(ii) The President and Chief Executive Officer of the Mississippi Manufacturers Association;

(iii) The President of the Mississippi Farm Bureau Federation;

(iv) The President of the Mississippi Poultry Association;

(v) The President of the Mississippi Trucking Association;

(vi) The Executive Director of the Mississippi Association of Supervisors;

(vii) The Executive Director of the Mississippi Municipal League;

(viii) The Executive Vice President of the Mississippi Cattlemen's Association;

(ix) The Executive Director of the Mississippi Loggers Association; and

(x) The Executive Director of the American Council of Engineering Companies-Mississippi.

(b) The Governor shall appoint the chairman of the board and the board shall elect such other officers as it considers necessary from among its members.

(c) A majority of the members of the board shall constitute a quorum for the conduct of meetings and all actions of the board shall be by a majority vote. No compensation, per diem or mileage expense shall be provided board members.

(d) The Governor's office shall provide any necessary administrative support to the board.

(e) The board shall meet at least quarterly to conduct business.

(f) The board shall provide nonbinding advice to the Department of Transportation regarding the expenditure of money in the Emergency Road and Bridge Repair Fund.

(4) The Mississippi Department of Transportation shall have all powers necessary to implement and administer the program established under this section * * * to maximize all potential sources of funding including state and federal, for projects covered by the program. Any available sources of funding may be combined to fund any project covered by the program. This includes state aid road funds and/or Local System Bridge Replacement and Rehabilitation Program funds, which may be used in conjunction with Emergency Road and Bridge Repair Fund monies within the discretion of the State Aid Engineer. Under no circumstances, however, shall Emergency Road and Bridge Repair Fund monies be used to reimburse any amount that has been expended on the project prior to the award of such monies to the recipient.

(5) When monies in the Emergency Road and Bridge Repair Fund are distributed for projects, such monies shall not be re-deposited in the State Treasury, absent extraordinary circumstances where the recipient must return monies received under the program. This requirement is not intended to inhibit state agencies from receiving Emergency Road and Bridge Repair Fund monies for appropriate projects or to curtail any proper transfer of monies to accomplish such a project.

(6) The department shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

SECTION 2. Section 19-11-27, Mississippi Code of 1972, is amended as follows:

19-11-27. No board of supervisors of any county shall expend from, or contract an obligation against, the budget estimates for road and bridge construction, maintenance and equipment, made and published by it during the last year of the term of office of such board, between the first day of October and the first day of the following January, a sum exceeding one-fourth (1/4) of such item of the budget made and published by it, except in cases of emergency. The clerk of any county is prohibited from issuing any warrant contrary to the provisions of this section. No board of supervisors nor any member thereof shall buy any machinery or equipment in the last six (6) months of their or his term unless or until he has been elected at the general election of that year. The provisions of this section shall not apply to (i) until January 1, 2020, projects of any type that receive monies from the Local System Bridge Replacement and Rehabilitation Program, the Emergency Road and Bridge Repair Fund, the 2018 Transportation and Infrastructure Improvement Fund or the Gulf Coast Restoration Fund and (ii) to expenditures during calendar year 2019 on deficient bridges in the State Aid Road System or the Local System Road Program that have a sufficiency rating of less than fifty (50) or to a contract, lease or lease-purchase contract executed pursuant to the bidding requirements in Section 31-7-13 and approved by a unanimous vote of the board. Such unanimous vote shall include a statement indicating the board's proclamation that the award of the contract is essential to the efficiency and economy of the operation of the county government.

SECTION 3. Section 65-7-95, Mississippi Code of 1972, is amended as follows:

65-7-95. The methods of constructing, reconstructing and maintaining the public roads and bridges in this state, other than those under the actual charge of the State Highway Department, shall be as follows:

Any county may purchase implements and material through its central purchase system; may employ labor; may work, construct, reconstruct and maintain the public roads; may build bridges; and may do any and all things necessary to be done to work, construct, reconstruct and maintain the public roads and to build bridges as herein provided. If, in the opinion of the board of supervisors, any part of the work necessary to be done in working, constructing, reconstructing and maintaining the public roads and in building bridges in such county, or any part or parts thereof, can best be done by awarding contracts therefor, the board of supervisors may advertise for bids and make contracts therefor in accordance with the provisions of Section 31-7-13; and the board of supervisors may, in its discretion, use any funds heretofore or hereafter raised by bond issue or otherwise for working, constructing, reconstructing, maintaining and improving the public roads and for building bridges as herein provided. Except for contracts exempt from the provisions of Section 19-11-27, * * * no * * * contract provided above shall be awarded that shall extend beyond thirty (30) days from the termination and end of the term of office of the members of the boards of supervisors awarding same.

Before any board of supervisors may hire, lease or rent any heavy road machinery or equipment for use in the construction, reconstruction or maintenance of any county road or bridge, such board of supervisors shall first adopt an order adjudicating the necessity for leasing or renting such machinery or equipment, the purposes for which it is to be used, the type of such machinery or equipment and the reasons why the leasing or renting thereof will promote the public interest of the county. Such order shall also direct the clerk of the board of supervisors to advertise for bids for such machinery or equipment, which bids shall be returnable on a day to be fixed by the board of supervisors, in accordance with Section 31-7-13.

All contracts for the leasing or renting of such machinery or equipment shall be awarded to the lowest and best responsible bidder whose bid price or rental consideration is not in excess of the current rates and charges fixed and prescribed by the Nielsen/Data Quest publication, which rates and charges fixed and prescribed by the Nielsen/Data Quest publication shall be on file with the Governor's Office of General Services at that time.

All invoices submitted for the leasing or renting of such machinery or equipment shall identify the equipment by number and name and shall include the number of hours of labor performed and the dates thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

House Bill 904

Description: Third Circuit Court District; remove residency requirements for judicial office.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(H)	Referred To Judiciary A
2	01/31	(H)	Title Suff Do Pass
3	02/13	(H)	Passed {Vote}
4	02/14	(H)	Transmitted To Senate
5	02/26	(S)	Referred To Judiciary, Division A
6	03/05	(S)	Title Suff Do Pass As Amended
7	03/12	(S)	Amended
8	03/12	(S)	Passed As Amended {Vote}
9	03/13	(S)	Returned For Concurrence
10	03/14	(H)	Decline to Concur/Invite Conf
11	03/19	(H)	Conferees Named Baker,Beckett,Reynolds
12	03/27	(S)	Conferees Named Hopson,Simmons (12th),McMahan
13	03/27	(S)	Conference Report Filed
14	03/27	(H)	Conference Report Filed
15	03/28	(S)	Conference Report Adopted {Vote}
16	03/28	(H)	Conference Report Adopted {Vote}
17	04/02	(H)	Enrolled Bill Signed
18	04/02	(S)	Enrolled Bill Signed
19	04/02	Due	From Governor 04/19/19

Amendments:
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 904
Conference Reports:
| Conference Report

Code Section: A 009-0007-0014

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Judiciary, Division A

Principal Author: Steverson
Additional Authors: Massengill

Title: AN ACT TO AMEND SECTION 9-7-14, MISSISSIPPI CODE OF 1972, TO REMOVE THE RESIDENCY REQUIREMENTS FOR JUDGES IN THE THIRD CIRCUIT COURT DISTRICT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Steverson, Massengill To: Judiciary A

HOUSE BILL NO. 904
(As Sent to Governor)

AN ACT TO AMEND SECTION 9-7-14, MISSISSIPPI CODE OF 1972, TO REMOVE THE RESIDENCY REQUIREMENTS FOR JUDGES IN THE THIRD CIRCUIT COURT DISTRICT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 9-7-14, Mississippi Code of 1972, is amended as follows:

9-7-14. (1) There shall be three (3) judges for the Third Circuit Court District.

(2) The three (3) judgeships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One," "Place Two" and "Place Three." * * *

SECTION 2. Section 1 of this act applies to the regular judicial election to be held in November 2022 for the Third Circuit Court District, to any special election held before November 2022, and to any election that occurs thereafter for the Third Circuit Court District.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

House Bill 940

Description: Consigned motor fuels; provide crime for theft of.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

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 1  01/21   (H) Referred To Judiciary B
 2  02/05   (H) Title Suff Do Pass
 3  02/13   (H) Passed {Vote}
 4  02/13   (H) Motion to Reconsider Entered (Baria,
                Cockerham, Bailey)
 5  02/18   (H) Motion to Reconsider Tabled
 6  02/18   (H) Transmitted To Senate
 7  02/26   (S) Referred To Judiciary, Division B
 8  03/05   (S) Title Suff Do Pass
 9  03/13   (S) Amended
10  03/13   (S) Passed As Amended {Vote}
11  03/14   (S) Returned For Concurrence
12  03/20   (H) Concurred in Amend From Senate {Vote}
13  03/25   (H) Enrolled Bill Signed
14  03/25   (S) Enrolled Bill Signed
15  03/29   Approved by Governor
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Amendments:
[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 940

Code Section: A 099-0019-0071

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Judiciary, Division B

Principal Author: Smith

Title: AN ACT TO PROVIDE THAT IT IS UNLAWFUL TO TAKE, USE, SELL OR DISPOSE OF CONSIGNED MOTOR FUELS WITHOUT THE CONSENT OF THE

CONSIGNOR; TO PROVIDE A DEFINITION FOR CONSIGNED MOTOR FUELS; TO REQUIRE A WRITTEN AGREEMENT BETWEEN CONSIGNORS AND CONSIGNEES OF MOTOR FUELS THAT STATES TITLE TO THE CONSIGNED MOTOR FUELS IS VESTED IN THE CONSIGNOR; TO PROVIDE PENALTIES FOR THE THEFT OF CONSIGNED MOTOR FUELS; TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR EXPUNGEMENT OF A CONVICTION OF LARCENY UNDER THIS ACT ON THE SAME BASIS AS IS PROVIDED FOR LARCENIES GENERALLY; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 940

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Smith To: Judiciary B

HOUSE BILL NO. 940
(As Sent to Governor)

AN ACT TO PROVIDE THAT IT IS UNLAWFUL TO TAKE, USE, SELL OR DISPOSE OF CONSIGNED MOTOR FUELS WITHOUT THE CONSENT OF THE CONSIGNOR; TO PROVIDE A DEFINITION FOR CONSIGNED MOTOR FUELS; TO REQUIRE A WRITTEN AGREEMENT BETWEEN CONSIGNORS AND CONSIGNEES OF MOTOR FUELS THAT STATES TITLE TO THE CONSIGNED MOTOR FUELS IS VESTED IN THE CONSIGNOR; TO PROVIDE PENALTIES FOR THE THEFT OF CONSIGNED MOTOR FUELS; TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR EXPUNGEMENT OF A CONVICTION OF LARCENY UNDER THIS ACT ON THE SAME BASIS AS IS PROVIDED FOR LARCENIES GENERALLY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act, the term "consigned motor fuels" means all grades of gasoline including gasohol or any gasoline blend, any grade of diesel or kerosene and all aviation fuels that are delivered or caused to be delivered by one (1) merchant, hereinafter designated the consignor, to another merchant who deals in goods of that kind for the purpose of sale, hereinafter designated the consignee, and which are not owned by the consignee, but remain the property of the consignor.

SECTION 2. (1) There shall be a written agreement between the consignor and the consignee, reflecting not only the consignment agreement between the parties, but that title to the consigned motor fuels and to the proceeds from the sale of the consigned motor fuels is always vested in the consignor and never the consignee.

(2) Nothing in this section shall be construed to create a new or additional element necessary to prove the commission of theft of property in any degree.

SECTION 3. It shall be unlawful for any person to take, use, sell or dispose of consigned motor fuels, or the proceeds from the sale of consigned motor fuels, without the consent of the consignor and in violation of the written agreement required in Section 2 of this act.

SECTION 4. A person who violates this act shall be guilty of larceny of consigned motor fuels and subject to those penalties provided in Section 97-17-41 or 97-17-43 based on value of the property taken.

SECTION 5. Section 99-19-71, Mississippi Code of 1972, is amended as follows:

99-19-71. (1) Any person who has been convicted of a misdemeanor that is not a traffic violation, and who is a first offender, may petition the justice, county, circuit or municipal court in which the conviction was had for an order to expunge any such conviction from all public records.

(2) (a) Any person who has been convicted of one (1) of the following felonies may petition the court in which the conviction was had for an order to expunge one (1) conviction from all public

records five (5) years after the successful completion of all terms and conditions of the sentence for the conviction: a bad check offense under Section 97-19-55; possession of a controlled substance or paraphernalia under Section 41-29-139(c) or (d); false pretense under Section 97-19-39; larceny under Section 97-17-41; larceny of consigned motor fuels under Section 4 of this act; malicious mischief under Section 97-17-67; or shoplifting under Section 97-23-93. A person is eligible for only one (1) felony expunction under this paragraph.

(b) Any person who was under the age of twenty-one (21) years when he committed a felony may petition the court in which the conviction was had for an order to expunge one (1) conviction from all public records five (5) years after the successful completion of all terms and conditions of the sentence for the conviction; however, eligibility for expunction shall not apply to a felony classified as a crime of violence under Section 97-3-2 and any felony that, in the determination of the circuit court, is related to the distribution of a controlled substance and in the court's discretion it should not be expunged. A person is eligible for only one (1) felony expunction under this paragraph.

(c) The petitioner shall give ten (10) days' written notice to the district attorney before any hearing on the petition. In all cases, the court wherein the petition is filed may grant the petition if the court determines, on the record or in writing, that the applicant is rehabilitated from the offense which is the subject of the petition. In those cases where the court denies the petition, the findings of the court in this respect shall be identified specifically and not generally.

(3) Upon entering an order of expunction under this section, a nonpublic record thereof shall be retained by the Mississippi Criminal Information Center solely for the purpose of determining whether, in subsequent proceedings, the person is a first offender. The order of expunction shall not preclude a district attorney's office from retaining a nonpublic record thereof for law enforcement purposes only. The existence of an order of expunction shall not preclude an employer from asking a prospective employee if the employee has had an order of expunction entered on his behalf. The effect of the expunction order shall be to restore the person, in the contemplation of the law, to the status he occupied before any arrest or indictment for which convicted. No person as to whom an expunction order has been entered shall be held thereafter under any provision of law to be guilty of perjury or to have otherwise given a false statement by reason of his failure to recite or acknowledge such arrest, indictment or conviction in response to any inquiry made of him for any purpose other than the purpose of determining, in any subsequent proceedings under this section, whether the person is a first offender. A person as to whom an order has been entered, upon request, shall be required to advise the court, in camera, of the previous conviction and expunction in any legal

proceeding wherein the person has been called as a prospective juror. The court shall thereafter and before the selection of the jury advise the attorneys representing the parties of the previous conviction and expunction.

(4) Upon petition therefor, a justice, county, circuit or municipal court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case.

(5) No public official is eligible for expunction under this section for any conviction related to his official duties.

SECTION 6. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 961

Description: Department of Mental Health; authorize to transfer and convey certain real property to Board of Supervisors of Tate County, MS.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

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 1  01/21   (H) Referred To Public Property
 2  01/29   (H) Title Suff Do Pass
 3  01/31   (H) Passed {Vote}
 4  02/01   (H) Transmitted To Senate
 5  02/26   (S) Referred To Public Property
 6  02/27   (S) Title Suff Do Pass As Amended
 7  03/06   (S) Amended
 8  03/06   (S) Passed As Amended {Vote}
 9  03/07   (S) Returned For Concurrence
10  03/12   (H) Decline to Concur/Invite Conf
11  03/19   (H) Conferees Named Weathersby,Mettetal,Hale
12  03/22   (S) Conferees Named Blount,Dearing,Harkins
13  03/27   (S) Conference Report Filed
14  03/27   (H) Conference Report Filed
15  03/28   (S) Conference Report Adopted {Vote}
16  03/28   (H) Conference Report Adopted {Vote}
17  04/02   (H) Enrolled Bill Signed
18  04/02   (S) Enrolled Bill Signed
19  04/02   Due From Governor 04/19/19
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Amendments:
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 961
Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Public Property
Senate Committee: Public Property

Principal Author: Lamar

Title: AN ACT TO AUTHORIZE THE STATE BOARD OF MENTAL HEALTH, ACTING ON BEHALF OF THE MISSISSIPPI DEPARTMENT OF MENTAL HEALTH, TO TRANSFER AND CONVEY CERTAIN REAL PROPERTY LOCATED IN SENATOBIA, TATE COUNTY, MISSISSIPPI, TO THE BOARD OF SUPERVISORS OF TATE COUNTY; TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION, ACTING ON BEHALF OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO TRANSFER AND CONVEY TO THE BOARD OF TRUSTEES OF COPIAH-LINCOLN COMMUNITY COLLEGE, A CERTAIN PARCEL OF LAND SITUATED IN WESSON, COPIAH COUNTY, MISSISSIPPI, WHICH IS ADJACENT TO THE COLLEGE CAMPUS AS USED AS A RIGHT-OF-WAY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Lamar To: Public Property

HOUSE BILL NO. 961
(As Sent to Governor)

AN ACT TO AUTHORIZE THE STATE BOARD OF MENTAL HEALTH, ACTING ON BEHALF OF THE MISSISSIPPI DEPARTMENT OF MENTAL HEALTH, TO TRANSFER AND CONVEY CERTAIN REAL PROPERTY LOCATED IN SENATOBIA, TATE COUNTY, MISSISSIPPI, TO THE BOARD OF SUPERVISORS OF TATE COUNTY; TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION, ACTING ON BEHALF OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO TRANSFER AND CONVEY TO THE BOARD OF TRUSTEES OF COPIAH-LINCOLN COMMUNITY COLLEGE, A CERTAIN PARCEL OF LAND SITUATED IN WESSON, COPIAH COUNTY, MISSISSIPPI, WHICH IS ADJACENT TO THE COLLEGE CAMPUS AS USED AS A RIGHT-OF-WAY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The State Board of Mental Health, acting on behalf of the Mississippi Department of Mental Health, is authorized to transfer and convey a parcel or unused portions thereof of certain real property located in Senatobia, Tate County, Mississippi, which was originally conveyed for purposes designated by the Department of Mental Health, to the Board of Supervisors of Tate County, Mississippi, and being more particularly described as follows:

TRACT I

A part of the Southeast Quarter of Section 25, Township 5 South, Range 8 West, Tate County, Mississippi, containing 15.1 acres more or less and being more particularly described as follows, to—wit:

Beginning at an iron stake that is 1665.7 feet North and 1923.88 feet West of the Southeast corner of said Section 25; said point of beginning begin the Northwest corner of the property occupied by the W.A. Krueger Company Manufacturing Plant; running thence South 0 degrees, 49 minutes, and 45 seconds West along the West line of said manufacturing plant property for a distance of 950.0 feet to a road (50' right-of-way); thence North 89 degrees, 12 minutes, and 42 seconds West along the North line of said road for a distance of 683.0 feet; thence North 0 degrees, 2 minutes, and 27 seconds West for a distance of 950.2 feet; thence South 89 degrees 12 minutes, and 42 seconds East for a distance of 703.28 feet to the point of beginning.

TRACT II

A part of the Southeast Quarter of Section 25 and of the Northeast Quarter of Section 36, Township 5 South, Range 8 West, Tate County, Mississippi containing 19.3 acres more or less and being more particularly described as follows, to—wit:

Beginning at a stake on the North line of Brown's Ferry Road that is 447.8 feet South and 1954.4 feet West of the Southeast corner of said Section 25; running thence

North 0 degrees, 49 minutes, and 45 seconds East for a distance of 1113.8 feet to the South line of a gravel road, (50' right-of-way) thence North 89 degrees, 12 minutes, and 42 seconds West along the South line of said gravel road for a distance of 542.1 feet; thence South 0 degrees, 47 minutes, and 18 seconds West for a distance of 150.0 feet; thence North 89 degrees, 12 minutes, and 42 seconds West for a distance of 136.79 feet; thence South 0 degrees, 23 minutes, and 27 seconds East for a distance of 1285.44 feet to the North line of Brown's Ferry Road; thence in an Easterly direction along the North line of said Brown's Ferry Road around a curve to the left with a radius of 1210.0 feet and a tangent of 140.10 feet for a distance of 278.96 feet; thence North 62 degrees, 0 minutes, and 14 seconds East along the North line of said Brown's Ferry Road for a distance of 449.38 feet to the point of beginning.

(2) Of the property described in subsection (1) of this section, the State Board of Mental Health shall only transfer and convey the unused and undeveloped portion of the property specifically designated for use by the Mississippi Department of Mental Health to the Board of Supervisors of Tate County. At the sole discretion of the State Board of Mental Health, in executing a document of conveyance for the property described, which may include a provision to retain a right-of-way, which shall consist

of a minimum of a twenty (20) feet, but shall not exceed the maximum of thirty (30) feet which shall inure to the benefit of the Mississippi Department of Mental Health for the purposes of providing an additional green space boundary between the new county and state property lines. This additional space shall serve as a buffer to protect the safety and privacy of the vulnerable adults receiving services at the Department of Mental Health Community Homes and to ensure compliance with the Mississippi Department of Health regulatory standards for an Intermediate Care Facility (ICF). In conformity to the provisions of this subsection, the Board of Supervisors of Tate County is restricted from engaging in any activity upon the property described in subsection (1) of this section that will adversely impact the operation, safety or comfort of the inhabitants and staff personnel of the facility operated by the Department of Mental Health, which is located in close proximity to the property to be conveyed.

(3) The State of Mississippi shall retain all mineral rights to the real property transferred under this section.

(4) The State Board of Mental Health is authorized to correct any discrepancies in the legal description of the property provided in this section.

SECTION 2. (1) The Mississippi Transportation Commission, acting on behalf of the Mississippi Department of Transportation is authorized to transfer and convey to the Board of Trustees of

Copiah-Lincoln Community College, a certain parcel of land situated in Wesson, Copiah County, Mississippi, which is adjacent to the college campus and used as a right-of-way by the department, for the purpose of placing signage at the entrance of the college. The property being more particularly described as follows:

> COMMENCING at the intersection of the current US 51 alignment & the access road to Copiah-Lincoln Community College as shown at station 568+08.05 of US HIGHWAY 51 PROJECT F.I. 258(2) & at station 40+08.05 of the college connector road PROJECT 79-0015-00-019-10; from said point run Easterly along the centerline of the college access road a distance of 80.00' to station 40+88.05, then Southerly and perpendicular 90' to a POINT OF BEGINNING that is also perpendicular to and 80' from station 567+00.2 of current US 51 alignment, thence from said point of beginning run S 66° 20' 49" E a distance of 31.85' to the beginning of a tangent curve concave left and having a radius of 1727.022', thence Easterly along said curve a distance of 47.97' to a point that is perpendicular and 90' Southerly of station 41+65.37 of college access road, thence Southerly along a curve concave left, said curve having a radius of 1590.94', a chord bearing of S 7° 06' 44.64" E, and a chord distance of 177.67' to a point along the Easterly right-of-way of

the old US 51 alignment that is perpendicular to station 396+59.98 OLD US HIGHWAY 51 PROJECT WPMH-89E; thence Northwesterly along a curve concave left, said curve having a radius of 357.84', a chord bearing of N 47°47' 46.3" W, and a chord distance of 169.58' to a point that is perpendicular and 80' Easterly of station 566+23.36 of the current US 51 alignment, thence Northerly along a curve concave left, said curve having a radius of 5807.48', a chord bearing of N 17° 55' 34.6" E, and a chord distance of 89.06' to the POINT OF BEGINNING, and close, containing 0.27 acres, more or less situated in Section 4, Township 8N, Range 8E, Copiah County, Mississippi.

(2) (a) Of the property described in subsection (1) of this section, it is hereby understood and agreed by the Board of Trustees of Copiah-Lincoln Community College, as the grantee herein named, that all existing utilities located on, under or above the property herein described, shall remain, at the discretion of the utility owners, and that the grantee, its assigns, or successor boards in the title will not require the relocation of these utilities except by agreement with the utility owner.

(b) This conveyance is subject to the provisions that no junkyards, as defined in 23 USCS Section 136, shall be hereafter established or maintained on or above described lands, and no signs, billboards, outdoors advertising structures or advertisement of any kind, as provided for in 23 USCS Section 131, shall be hereafter erected, displayed, placed or maintained upon or within the above described land, except that signs may be erected and maintained to advertise the sale, hire or lease of the property, or principal activities conducted on the land upon which the signs are located.

(3) The State of Mississippi shall retain all mineral rights to the real property transferred under this section.

(4) The Mississippi Department of Transportation is authorized to correct any discrepancies in the legal description of the property provided in this section.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

House Bill 980

Description: Agencies; delete provision that contractual obligations of shall be considered as incurred in fiscal period to be paid.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Appropriations
2	01/31	(H)	Title Suff Do Pass Comm Sub
3	02/07	(H)	Committee Substitute Adopted
4	02/07	(H)	Passed {Vote}
5	02/08	(H)	Transmitted To Senate
6	02/26	(S)	Referred To Appropriations
7	03/05	(S)	Title Suff Do Pass As Amended
8	03/06	(S)	Amended
9	03/06	(S)	Passed As Amended {Vote}
10	03/07	(S)	Returned For Concurrence
11	03/12	(H)	Decline to Concur/Invite Conf
12	03/19	(H)	Conferees Named Read,Huddleston,Denny
13	03/22	(S)	Conferees Named Clarke,Wiggins,Frazier
14	03/27	(S)	Conference Report Filed
15	03/27	(H)	Conference Report Filed
16	03/28	(H)	Conference Report Adopted {Vote}
17	03/28	(S)	Conference Report Adopted {Vote}
18	04/02	(H)	Enrolled Bill Signed
19	04/02	(S)	Enrolled Bill Signed
20	04/02	Due	From Governor 04/19/19

Amendments:
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 980
Conference Reports:
| Conference Report

Code Section: A 027-0104-0025

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Read

Title: AN ACT TO AMEND SECTION 27-104-25, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION THAT CONTRACTUAL OBLIGATIONS OF STATE AGENCIES SHALL BE CONSIDERED AS INCURRED WITHIN THE FISCAL PERIOD IN WHICH THEY ARE TO BE PAID, AND ARE TO BE ENCUMBERED AGAINST FUNDS TO BE AVAILABLE IN THAT FISCAL PERIOD; TO REQUIRE APPROVAL BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION BEFORE STATE AGENCIES MAY PAY CERTAIN CONTRACTUAL OBLIGATIONS FROM A PRIOR FISCAL YEAR; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Read To: Appropriations

HOUSE BILL NO. 980
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-104-25, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION THAT CONTRACTUAL OBLIGATIONS OF STATE AGENCIES SHALL BE CONSIDERED AS INCURRED WITHIN THE FISCAL PERIOD IN WHICH THEY ARE TO BE PAID, AND ARE TO BE ENCUMBERED AGAINST FUNDS TO BE AVAILABLE IN THAT FISCAL PERIOD; TO REQUIRE APPROVAL BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION BEFORE STATE AGENCIES MAY PAY CERTAIN CONTRACTUAL OBLIGATIONS FROM A PRIOR FISCAL YEAR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-104-25, Mississippi Code of 1972, is amended as follows:

27-104-25. (1) The executive head and business manager of each state agency shall be responsible for all obligations or indebtedness incurred in the name of the agency, or by any employee for them when incurred by such employee acting within the scope of his employment.

(2) No obligations or indebtedness shall be incurred by any such person during any allotment period in excess of the amount of the estimate approved by the Department of Finance and Administration or in the agency appropriation bill.

If a claim arising from orders for goods or services from the prior fiscal year is presented within one (1) year and (a) the payment of a claim does not cause an agency to exceed the amount of its prior year budget estimate as approved by the Department of Finance and Administration or its appropriation bill, and (b) sufficient funds remain in the current fiscal year's allotment to pay the claim, the State Treasurer, upon approval of the claim by the Department of Finance and Administration, shall draw a warrant in payment of the claim.

(3) Contractual obligations, such as salary contracts, * * * from a prior fiscal year that do not meet the requirements for payment under subsection (2) of this section may only be paid upon approval by the Executive Director of the Department of Finance and Administration.

(4) Contractual obligations of agencies shall include appropriate cancellation clauses in the event the anticipated revenues from which they are to be paid do not become available.

(* * *5) Agencies having special funds, as defined in Section 27-103-103, shall not incur obligations or indebtedness against such special funds in an amount in excess of revenues actually anticipated and budgeted.

(* * *6) If obligations or indebtedness shall be incurred contrary to the provisions hereof, then neither the State of Mississippi nor the agency shall have any liability therefor, and the person, firm or corporation to whom the obligation or indebtedness is due may recover the amount of the obligation or indebtedness and twenty-five percent (25%) of the amount as liquidated damages from the responsible officers, either personally or upon their official bonds, either severally * * * or jointly.

(* * *7) Provided, however, that no personal liability of the responsible officers under this section shall include any unfunded liability for employee retirement or pension funds. Nothing in this section shall diminish any responsibility of the responsible officers to fund any employee retirement or pension plans, or any liability as a result of any failure to fund such plans as otherwise required by law.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1065

Description: Income tax; authorize a job tax credit for certain water transportation enterprises.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: January 1, 2019

History of Actions:

1	01/21	(H)	Referred To Ways and Means
2	02/05	(H)	Title Suff Do Pass Comm Sub
3	02/06	(H)	Committee Substitute Adopted
4	02/06	(H)	Passed {Vote}
5	02/08	(H)	Transmitted To Senate
6	02/20	(S)	Referred To Finance
7	03/18	(S)	Title Suff Do Pass
8	03/19	(S)	Passed {Vote}
9	03/20	(S)	Returned For Enrolling
10	03/21	(H)	Enrolled Bill Signed
11	03/21	(S)	Enrolled Bill Signed
12	03/28		Approved by Governor

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Ford
Additional Authors: Denton, Aguirre, Anderson, Anthony, Arnold, Bailey, Bain, Banks, Baria, Barnett, Barton, Bell (21st), Bell (65th), Blackmon, Bounds, Boyd, Burnett, Byrd, Calhoun, Carpenter, Chism, Clark, Clarke, Cockerham, Corley, Criswell, Currie, Dixon, Dortch, Evans (45th), Evans (91st), Faulkner, Gibbs (36th), Gibbs (72nd), Guice, Hale, Harness, Henley, Hines, Holloway, Hopkins, Horan, Hudson, Jackson, Johnson (94th), Karriem, Kinkade, Ladner, Lamar, Mangold, Massengill, McLeod, McNeal, Mettetal, Mickens, Miles, Mims, Morgan, Oliver, Patterson, Pigott, Powell, Read, Roberson, Rogers (14th), Rogers (61st), Rosebud, Rushing, Sanford, Scoggin, Shanks, Snowden, Staples, Steverson, Sullivan, Sykes, Taylor, Tullos, Turner, Wallace, Watson, Weathersby, White, Wilkes, Williams-Barnes, Willis, Young, Haney

2019 GENERAL LAWS OF MISSISSIPPI HB 1065

Title: AN ACT TO AUTHORIZE AN INCOME TAX JOB CREDIT FOR ENTERPRISES THAT ARE PRIMARILY ENGAGED IN PROVIDING INLAND WATER TRANSPORTATION OF CARGO ON LAKES, RIVERS AND INTRACOASTAL WATERWAYS FOR EACH FULL-TIME EMPLOYEE EMPLOYED BY THE ENTERPRISE IN A MISSISSIPPI FULL-TIME JOB; TO PROVIDE THE AMOUNT OF SUCH CREDIT; TO LIMIT THE AMOUNT OF THE CREDIT THAT MAY BE CLAIMED IN ANY ONE YEAR; TO AUTHORIZE ANY TAX CREDIT CLAIMED BUT NOT USED IN ANY TAXABLE YEAR TO BE CARRIED FORWARD FOR FIVE CONSECUTIVE YEARS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Ford, Denton, Aguirre, Anderson, Anthony, Arnold, Bailey, Bain, Banks, Baria, Barnett, Barton, Bell (21st), Bell (65th), Blackmon, Bounds, Boyd, Burnett, Byrd, Calhoun, Carpenter, Chism, Clark, Clarke, Cockerham, Corley, Criswell, Currie, Dixon, Dortch, Evans (45th), Evans (91st), Faulkner, Gibbs (36th), Gibbs (72nd), Guice, Hale, Harness, Henley, Hines, Holloway, Hopkins, Horan, Hudson, Jackson, Johnson (94th), Karriem, Kinkade, Ladner, Lamar, Mangold, Massengill, McLeod, McNeal, Mettetal, Mickens, Miles, Mims, Morgan, Oliver, Patterson, Pigott, Powell, Read, Roberson, Rogers (14th), Rogers (61st), Rosebud, Rushing, Sanford, Scoggin, Shanks, Snowden, Staples, Steverson, Sullivan, Sykes, Taylor, Tullos, Turner, Wallace, Watson, Weathersby, White, Wilkes, Williams-Barnes, Willis, Young, Haney

To: Ways and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1065

AN ACT TO AUTHORIZE AN INCOME TAX JOB CREDIT FOR ENTERPRISES THAT ARE PRIMARILY ENGAGED IN PROVIDING INLAND WATER TRANSPORTATION OF CARGO ON LAKES, RIVERS AND INTRACOASTAL WATERWAYS FOR EACH FULL-TIME EMPLOYEE EMPLOYED BY THE ENTERPRISE IN A MISSISSIPPI FULL-TIME JOB; TO PROVIDE THE AMOUNT OF SUCH CREDIT; TO LIMIT THE AMOUNT OF THE CREDIT THAT MAY BE CLAIMED IN ANY ONE YEAR; TO AUTHORIZE ANY TAX CREDIT CLAIMED BUT NOT USED IN ANY TAXABLE YEAR TO BE CARRIED FORWARD FOR FIVE CONSECUTIVE YEARS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates:

(a) "Water transportation enterprise" means an enterprise or establishment primarily engaged in providing inland water transportation of cargo on lakes, rivers and/or intracoastal waterways, except on the Great Lakes System.

(b) "Mississippi full-time job" means a job created in the State of Mississippi on or after January 1, 2019, and filled by a Mississippi resident who works at least thirty-five (35) hours per week.

(2) Subject to the provisions of this section, any water transportation enterprise is allowed a job tax credit for taxes imposed by this chapter equal to Two Thousand Dollars ($2,000.00) annually for each Mississippi full-time job created for a period of five (5) years from the date the credit commences. A water transportation enterprise may not claim a tax credit for the reemployment of a person whose employment with the enterprise is terminated by the enterprise if the reemployment by the enterprise occurs within twelve (12) months from the date of the termination. The credit shall commence on the date selected by the enterprise. For the year in which the commencement date occurs, the credit will be determined based on the monthly average number of full-time employees employed by the water transportation enterprise in Mississippi full-time jobs subject to the Mississippi income tax withholding. For each year thereafter, the number of Mississippi full-time jobs shall be determined by comparing the monthly average number of full-time employees employed at the water transportation enterprise in Mississippi full-time jobs subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. The Department of Revenue shall adjust the credit allowed each year for employment fluctuations.

(3) The credit that may be used each year shall be limited to an amount not greater than the total state income tax liability of the water transportation enterprise. Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) consecutive years from the close of the tax year in which the credits were earned.

(4) (a) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any water transportation enterprise may not create new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the water transportation enterprise. The Department of Revenue shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(5) The credits allowed under this section shall not be used by any business enterprise or corporation other than the water transportation enterprise actually qualifying for the credits.

(6) The maximum aggregate amount of tax credits that may be claimed by all taxpayers claiming a credit under this section in a taxable year shall not exceed Two Million Dollars ($2,000,000.00).

(7) Any water transportation enterprise that is eligible for the credit authorized in this section before January 1, 2023, shall be eligible for the credit authorized in this section,

notwithstanding the repeal of this section, and shall be allowed to carry forward the credit after January 1, 2023, as provided for in subsection (3) of this section.

(8) This section shall be repealed from and after January 1, 2023.

SECTION 2. Section 1 of this act shall be codified as a new section in Chapter 7, Title 27, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from and after January 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1247

Description: Community college districts boards of trustees; remove requirement for automatic appointment of county superintendent of education to serve on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Universities and Colleges
2	02/04	(H)	Rereferred To Education
3	02/04	(H)	Title Suff Do Pass
4	02/12	(H)	Passed {Vote}
5	02/13	(H)	Transmitted To Senate
6	02/25	(S)	Referred To Universities and Colleges
7	03/04	(S)	Title Suff Do Pass
8	03/07	(S)	Amended
9	03/07	(S)	Passed As Amended {Vote}
10	03/11	(S)	Returned For Concurrence
11	03/12	(H)	Decline to Concur/Invite Conf
12	03/19	(H)	Conferees Named Bennett,Roberson,DeLano
13	03/27	(S)	Conferees Named Harkins,Tollison,Polk
14	03/27	(S)	Conference Report Filed
15	03/27	(H)	Conference Report Filed
16	03/28	(H)	Conference Report Adopted {Vote}
17	03/28	(S)	Conference Report Adopted {Vote}
18	03/29	(H)	Motion to Reconsider Entered (Evans (91st), Bennett, Roberson)
19	03/29	(H)	Motion to Recnsdr Tabled Lost
20	03/29	(H)	Motion to Reconsider Tabled
21	04/02	(H)	Enrolled Bill Signed
22	04/02	(S)	Enrolled Bill Signed
23	04/02	Due	From Governor 04/19/19

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1247

Conference Reports:
| Conference Report

Code Section: A 037-0029-0065, A 037-0029-0457

----- Additional Information -----

House Committee: Education
Senate Committee: Universities and Colleges

Principal Author: Bennett

Title: AN ACT TO AMEND SECTION 37-29-65, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT THE COUNTY SUPERINTENDENT OF EDUCATION SHALL AUTOMATICALLY SERVE AS A MEMBER OF THE BOARD OF A COMMUNITY COLLEGE DISTRICT; TO PROVIDE THAT THE BOARD OF SUPERVISORS OF ANY COUNTY WITHIN A COMMUNITY COLLEGE DISTRICT MAY APPOINT THE COUNTY SUPERINTENDENT OR ANOTHER QUALIFIED ELECTOR FROM THE RESPECTIVE COUNTY AT LARGE TO SERVE ON THE BOARD OF TRUSTEES; TO AMEND SECTION 37-29-457, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT THE SUPERINTENDENT OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICT IN ADAMS COUNTY AUTOMATICALLY SERVE AS A MEMBER OF THE COPIAH-LINCOLN COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Bennett To: Education

HOUSE BILL NO. 1247
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-29-65, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT THE COUNTY SUPERINTENDENT OF EDUCATION SHALL AUTOMATICALLY SERVE AS A MEMBER OF THE BOARD OF A COMMUNITY COLLEGE DISTRICT; TO PROVIDE THAT THE BOARD OF SUPERVISORS OF ANY COUNTY WITHIN A COMMUNITY COLLEGE DISTRICT MAY APPOINT THE COUNTY SUPERINTENDENT OR ANOTHER QUALIFIED ELECTOR FROM THE RESPECTIVE COUNTY AT LARGE TO SERVE ON THE BOARD OF TRUSTEES; TO AMEND SECTION 37-29-457, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT THE SUPERINTENDENT OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICT IN ADAMS COUNTY AUTOMATICALLY SERVE AS A MEMBER OF THE COPIAH-LINCOLN COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-29-65, Mississippi Code of 1972, is amended as follows:

37-29-65. (1) Except as provided in this section and in Sections 37-29-409, 37-29-457 and 37-29-505, there shall be * * * five (5) trustees from each county of the junior college district which originally entered into and gave financial aid in establishing the junior college. On June 30, 1992, the offices of the six (6) trustees from each of the original counties in the Northwest Community College District shall stand vacated. The board of supervisors of those respective counties shall appoint two (2) members on July 1, 1992, to serve full terms of office as provided in this section. * * * The board of supervisors of those respective counties shall appoint * * * one (1) member who is a qualified elector from each supervisors district to serve as a member, either of which may be the county superintendent of education if he or she resides in a respective supervisors district. Counties which subsequent to the establishment of the junior college joined the district shall have only * * * one (1) trustee. However, the board of trustees so constituted, by appropriate resolution, may enlarge its number to six (6) trustees from each county * * *. The board of trustees shall also be authorized within its discretion to reduce its number to two (2) trustees at large from each county * * *. In any case in which there is an equal number of trustees the board of trustees may appoint another person to membership.

(2) The county superintendent, if appointed by the county board of supervisors, may, in his discretion, choose not to serve as a member of such board of trustees. Such decision not to serve shall be in writing and entered on the minutes of the board of trustees of the junior college district. The county board of supervisors of any county whose county superintendent of education * * * appointed under the authority of this section, declines the appointment or resigns, pursuant to this * * * subsection (2), shall fill the vacancy caused by such resignation by appointing a member who is a qualified elector of the county at

large in accordance with subsection (6) of this section. * * * No county superintendent whose school district is located within the East Mississippi Community College District * * * shall * * * serve on the board of trustees for that community college district.

(3) From and after March 24, 1990, the Board of Trustees of the East Mississippi Community College District shall consist of twelve (12) members. The appointing authorities shall appoint a new board of trustees as follows: Clay County shall be entitled to two (2) members, Kemper County shall be entitled to two (2) members, Lauderdale County shall be entitled to two (2) members, Lowndes County shall be entitled to two (2) members, Noxubee County shall be entitled to two (2) members and Oktibbeha County shall be entitled to two (2) members. No member of the Board of Trustees of the East Mississippi Community College District shall have served on such board prior to March 24, 1990.

(4) The Board of Trustees of the Coahoma Community College District shall consist of * * * nine (9) members. The appointing authorities shall appoint the new board of trustees as follows: Coahoma County shall be entitled to * * * five (5) members appointed in the manner provided herein, Tunica County shall be entitled to * * * one (1) member, Quitman County shall be entitled to * * * one (1) member, Bolivar County shall be entitled to * * * one (1) member, and Tallahatchie County shall be entitled to * * * one (1) member. Persons who are currently serving as members of

the board of Trustees of the Mississippi Delta Community College District or Northwest Community College District shall be eligible for appointment to the board.

(5) The terms of office shall be five (5) years; however, upon the first selection of trustees in each county, one (1) shall be elected for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year, so as to prevent the retirement of more than one (1) member of any one (1) county in any one (1) year. Where the board chooses or is required by statute to reduce its number, the board shall specify the expiration dates of such terms of office in order to prevent the retirement of more than one (1) member of any one (1) county in any one (1) year.

(6) The board of supervisors shall elect the requisite number of discreet persons of good moral character, sufficient education and experience, and of proven interest in public education, who are qualified electors of the county, as trustees of the junior college; and annually thereafter the board of supervisors in like manner shall fill vacancies. All trustees so appointed shall be listed in the minutes of the board of supervisors and their appointment shall be certified by the chancery clerk to the president of the junior college.

(7) Each junior college trustee may be paid, out of junior college funds, a per diem as authorized in Section 25-3-69,

Mississippi Code of 1972, per meeting of said board and, in addition thereto, the mileage authorized under Section 25-3-41, Mississippi Code of 1972, per mile in coming to and returning from said meeting, calculated upon the customary and normally traveled route from the home of such trustee to the campus of said junior college. Such allowance of per diem and mileage shall not, however, be allowed for more than fifteen (15) meetings for any one (1) fiscal year and shall only be paid for meetings actually attended by such trustees.

(8) The provisions of this section, other than those provisions pertaining to per diem compensation and travel allowances for junior college trustees, shall not apply to any existing publicly operated junior college, lying in and operated by a county bordering on the Mississippi River, and the junior college trustees of such junior college shall be appointed and confirmed as heretofore.

(9) No county superintendent of education, by virtue of his or her office, shall be automatically placed on the board of trustees for any community college district to which this section applies. The number of trustees from each county shall be reduced by one (1) member if such member is superintendent of education. However, if the county board of supervisors, in making an appointment to the community college district board of trustees, chooses to appoint the county superintendent of education at the

expiration of the term of the at large member, the superintendent may serve, unless otherwise disqualified.

SECTION 2. Section 37-29-457, Mississippi Code of 1972, is amended as follows:

37-29-457. (1) The operation and control of the Copiah-Lincoln Junior College District shall be vested in a board of trustees representing the seven (7) counties lying within the district. The said board shall consist of * * * twenty (20) members to be chosen as follows:

(a) Copiah County shall be entitled to * * * five (5) members who shall be elected and serve according to Section 37-29-65.

(b) Lincoln County shall be entitled to * * * five (5) members who shall be elected and serve according to Section 37-29-65.

(c) Lawrence County shall be entitled to * * * one (1) member who shall be elected and serve according to Section 37-29-65.

(d) Franklin County shall be entitled to * * * one (1) member who shall be elected and serve according to Section 37-29-65.

(e) Simpson County shall be entitled to * * * one (1) member who shall be elected and serve according to Section 37-29-65.

(f) Jefferson County shall be entitled to * * * one (1) member who shall be elected and serve according to Section 37-29-65.

(g) Adams County shall be entitled to * * * five (5) members who shall be elected from the residents of said county by the board of supervisors of Adams County within thirty (30) days of February 4, 1975 * * *.

The terms of office for the members shall be five (5) years. However, upon the first selection of trustees in the county, one (1) shall be elected for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year, so as to prevent the retirement of more than one (1) member in any one (1) year. The members elected from Adams County shall have like qualifications and receive the same compensation as the members from other counties as provided by Section 37-29-65.

(h) There shall be one (1) member of the board of trustees who shall be elected by the members of the said board of trustees from among the residents of the Copiah-Lincoln Junior College District. Said member so chosen shall serve a five * * * -year term and have the same powers and duties as the other board members.

(2) Except as provided in * * * paragraph (g) of this subsection (1), persons who are currently serving as members of

the board of trustees of the Copiah-Lincoln Junior College District shall complete their terms without interruption.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1249

Description: Group health insurance; allow local governing authorities to pay employee's benefits for dependents.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

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  1  01/21   (H) Referred To County Affairs
  2  01/29   (H) Title Suff Do Pass Comm Sub
  3  01/30   (H) Committee Substitute Adopted
  4  01/30   (H) Passed {Vote}
  5  01/31   (H) Transmitted To Senate
  6  02/26   (S) Referred To Finance
  7  03/05   (S) Title Suff Do Pass As Amended
  8  03/07   (S) Amended
  9  03/07   (S) Passed As Amended {Vote}
 10  03/11   (S) Returned For Concurrence
 11  03/12   (H) Decline to Concur/Invite Conf
 12  03/19   (H) Conferees Named Byrd,Bennett,Reynolds
 13  03/22   (S) Conferees Named Fillingane,Kirby,Carter
 14  03/26   (S) Conference Report Filed
 15  03/26   (H) Conference Report Filed
 16  03/27   (S) Conference Report Adopted {Vote}
 17  03/28   (H) Conference Report Adopted {Vote}
 18  04/02   (H) Enrolled Bill Signed
 19  04/02   (S) Enrolled Bill Signed
 20  04/02   Due From Governor 04/19/19
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Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1249

Conference Reports:
| Conference Report

Code Section: A 025-0015-0103

----- Additional Information -----

House Committee: County Affairs
Senate Committee: Finance

Principal Author: Bennett
Additional Authors: Lamar, Currie, Sykes, Mickens

Title: AN ACT TO AMEND SECTION 25-15-103, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO PAY THE TOTAL OF OR ANY PART OF THE COST OF ADDITIONAL BENEFITS FOR THE DEPENDENTS OF COUNTY EMPLOYEES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2019

By: Representatives Bennett, Lamar, Currie, Sykes, Mickens

To: County Affairs

HOUSE BILL NO. 1249
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-15-103, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO PAY THE TOTAL OF OR ANY PART OF THE COST OF ADDITIONAL BENEFITS FOR THE DEPENDENTS OF COUNTY EMPLOYEES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-15-103, Mississippi Code of 1972, is amended as follows:

25-15-103. (1) The maximum amount of group insurance or other coverage used in determining employer's limitation of one hundred percent (100%) of such costs shall be determined by regulations promulgated by the governing board or head of any political subdivision, school district, junior college district, institution, department or agency named in Section 25-15-101 and this section, but the life insurance for each employee shall not exceed Fifty Thousand Dollars ($50,000.00), or the amount of deduction allowed by the United States Internal Revenue Service in filing a federal tax return, whichever is greater. A like amount may be for accidental death; accident, health and salary protection insurance, providing benefits not exceeding sixty percent (60%) of the employee's income, or the amount allowed by the United States Internal Revenue Service in filing a federal tax return, whichever is greater. Hospitalization benefits for room and board may not exceed the average semiprivate cost per day; and the other coverages authorized hereinabove. The limitations in this paragraph on the amount of group insurance and other coverage which employers may obtain for their employees shall not be applicable to municipalities.

(2) Any employee who retires due to one hundred percent (100%) medical disability, or due to reaching the statutory age of retirement under the provisions of the Public Employees' Retirement Law of 1952, being Sections 25-11-101 through 25-11-139, may, if he elects, remain a member of the group plan for such life insurance and other benefits as may be agreed to by the governing board or institution, department, or agency head and the companies writing such insurance and other coverage, by paying the entire costs thereof.

(3) When any of the political subdivisions, school districts, junior college districts, institutions, departments, or agencies named in Section 25-15-101 and this section have adopted the group coverage plan authorized by said sections, any of the employees thereof participating in the plan who desire to secure additional benefits for their dependents with the company or companies providing such group coverage may do so by authorizing in writing the deduction from his or her salary or wages of the

necessary amounts for the full payment of such additional coverage, and the same may be deducted and paid for such purposes, but the entire cost of such additional coverage for dependents shall be paid by the employee.

* * * (4) (a) A municipality may provide group life insurance coverage for all or specified groups of its public employees and group hospitalization benefits for such public employees and their dependents, and the municipality may pay the total of the cost of all benefits under this section.

(b) A county may provide group life insurance coverage for all or specified groups of its public employees and group hospitalization benefits for such public employees and their dependents, and the county may pay the total of the cost of all benefits under this section. A county may make such provision, as specified under this paragraph, retroactively for any existing group coverage plan previously adopted by the county.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

House Bill 1283

Description: The “Mississippi School Safety Act of 2019”; enact.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Education
2	01/31	(H)	Title Suff Do Pass
3	02/06	(H)	Amended
4	02/06	(H)	Passed As Amended {Vote}
5	02/08	(H)	Transmitted To Senate
6	02/26	(S)	Referred To Education; Appropriations
7	03/04	(S)	DR - TSDP: ED To AP
8	03/05	(S)	Title Suff Do Pass
9	03/12	(S)	Amended
10	03/12	(S)	Passed As Amended {Vote}
11	03/13	(S)	Motion to Reconsider Entered
12	03/14	(S)	Motion to Reconsider Tabled
13	03/14	(S)	Returned For Concurrence
14	03/19	(H)	Concurred in Amend From Senate {Vote}
15	03/19	(H)	Motion to Reconsider Entered (Paden, Bennett, Roberson)
16	03/20	(H)	Motion to Reconsider Tabled
17	03/22	(H)	Enrolled Bill Signed
18	03/22	(S)	Enrolled Bill Signed
19	03/29		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2Lost Voice Vote
[H] Amendment No 3Lost Voice Vote
[S] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 2 ***Adopted*** Voice Vote
[S] Amendment No 3 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1283

2019 GENERAL LAWS OF MISSISSIPPI HB 1283

Code Section: A 037-0011-0005, A 037-0003-0083, A 037-0003-0093, BF 037-0003-0089, A 037-0003-0091, A 037-0003-0082, A 095-0015-0001, A 045-0001-0002

----- Additional Information -----

House Committee: Education
Senate Committee: Education, Appropriations

Principal Author: Baker
Additional Authors: Sykes, Arnold, Boyd, Faulkner, Mickens, Hale

Title: AN ACT ENTITLED THE "MISSISSIPPI SCHOOL SAFETY ACT OF 2019"; TO AMEND SECTION 37-11-5, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO DEVELOP AND CONDUCT AN ACTIVE SHOOTER DRILL WITHIN THE FIRST 60 DAYS OF EACH NEW SCHOOL SEMESTER FOR STUDENTS AND STAFF AND TO REQUIRE ALL SCHOOL DISTRICT EMPLOYEES TO ATTEND CIVILIAN RESPONSE TO ACTIVE SHOOTER EVENTS (CRASE) TRAINING ANNUALLY; TO AMEND SECTION 37-3-83, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SCHOOL SAFETY GRANT PROGRAM ADMINISTERED BY THE STATE DEPARTMENT OF EDUCATION SHALL INCLUDE A PILOT PROGRAM TO IMPLEMENT A DEVELOPMENTALLY APPROPRIATE SOCIAL AND EMOTIONAL CURRICULUM FOR STUDENTS IN GRADES K-5; TO REQUIRE SCHOOL EMPLOYEES TO COMPLETE A TRAINING OR PROFESSIONAL DEVELOPMENT COURSE IN MENTAL HEALTH EVERY TWO YEARS; TO AMEND SECTION 37-3-93, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI OFFICE OF HOMELAND SECURITY TO DEVELOP A CURRICULUM, TRAIN AND CERTIFY THREAT ASSESSMENT OFFICERS; TO REQUIRE CERTIFIED THREAT ASSESSMENT OFFICERS TO CONDUCT ANNUAL INSPECTIONS AND THREAT ASSESSMENT OF EACH PUBLIC SCHOOL IN THE STATE, DEVELOP AN IMPROVEMENT PLAN FOR EACH SCHOOL INSPECTED AND PROVIDE REPORTS OF SUCH FINDINGS TO LOCAL LAW ENFORCEMENT AGENCIES AND THE LOCAL SCHOOL BOARD WITHIN FOUR WEEKS OF COMPLETION; TO BRING FORWARD SECTION 37-3-89, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTION 37-3-91, MISSISSIPPI CODE OF 1972, TO EXPAND STUDENT ACCESS TO LOCAL MENTAL HEALTH RESOURCES UNDER THE REGIONAL BEHAVIORAL MANAGEMENT PROGRAM WITH THE DEVELOPMENT OF STATE STANDARDIZED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES AND SCHOOL DISTRICTS TO INCLUDE REFERRAL PROTOCOLS AND TO TRAIN SCHOOL PERSONNEL TO CONDUCT INITIAL BEHAVIORAL HEALTH SCREENINGS OF STUDENTS WHO EXPERIENCE STRESS OR ARE AT RISK OF HARM; TO AMEND SECTION 37-3-82, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ADDITIONAL STATE FUNDING OF SCHOOL RESOURCE OFFICERS BY THE STATE DEPARTMENT OF EDUCATION UNDER THE MISSISSIPPI COMMUNITY ORIENTED POLICING SERVICES IN SCHOOLS (MCOPS) PROGRAM; TO CODIFY SECTION 95-15-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO RAISE STATEWIDE AWARENESS

REGARDING THE "SEE SOMETHING SAY SOMETHING ACT" AND PROVIDE IMMUNITY FROM LIABILITY FOR GOOD FAITH REPORTING OF SUSPICIOUS ACTIVITY OR BEHAVIOR; TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH THE MISSISSIPPI ANALYSIS AND INFORMATION CENTER (MSAIC FUSION CENTER) IN THE OFFICE OF HOMELAND SECURITY AND TO EMPLOY REGIONAL ANALYSTS DEDICATED TO STATEWIDE SOCIAL MEDIA INTELLIGENCE PLATFORM THREATS AND THE DISSEMINATION OF SCHOOL SAFETY INFORMATION; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1283

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Baker, Sykes, Arnold, Boyd, Faulkner, Mickens, Hale

To: Education

HOUSE BILL NO. 1283
(As Sent to Governor)

AN ACT ENTITLED THE "MISSISSIPPI SCHOOL SAFETY ACT OF 2019"; TO AMEND SECTION 37-11-5, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO DEVELOP AND CONDUCT AN ACTIVE SHOOTER DRILL WITHIN THE FIRST 60 DAYS OF EACH NEW SCHOOL SEMESTER FOR STUDENTS AND STAFF AND TO REQUIRE ALL SCHOOL DISTRICT EMPLOYEES TO ATTEND CIVILIAN RESPONSE TO ACTIVE SHOOTER EVENTS (CRASE) TRAINING ANNUALLY; TO AMEND SECTION 37-3-83, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SCHOOL SAFETY GRANT PROGRAM ADMINISTERED BY THE STATE DEPARTMENT OF EDUCATION SHALL INCLUDE A PILOT PROGRAM TO IMPLEMENT A DEVELOPMENTALLY APPROPRIATE SOCIAL AND EMOTIONAL CURRICULUM FOR STUDENTS IN GRADES K-5; TO REQUIRE SCHOOL EMPLOYEES TO COMPLETE A TRAINING OR PROFESSIONAL DEVELOPMENT COURSE IN MENTAL HEALTH EVERY TWO YEARS; TO AMEND SECTION 37-3-93, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI OFFICE OF HOMELAND SECURITY TO DEVELOP A CURRICULUM, TRAIN AND CERTIFY THREAT ASSESSMENT OFFICERS; TO REQUIRE CERTIFIED THREAT ASSESSMENT OFFICERS TO CONDUCT ANNUAL INSPECTIONS AND THREAT ASSESSMENT OF EACH PUBLIC SCHOOL IN THE STATE, DEVELOP AN IMPROVEMENT PLAN FOR EACH SCHOOL INSPECTED AND PROVIDE REPORTS OF SUCH FINDINGS TO LOCAL LAW ENFORCEMENT AGENCIES AND THE LOCAL SCHOOL BOARD WITHIN FOUR WEEKS OF COMPLETION; TO BRING FORWARD SECTION 37-3-89, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTION 37-3-91, MISSISSIPPI CODE OF 1972, TO EXPAND STUDENT ACCESS TO LOCAL MENTAL HEALTH RESOURCES UNDER THE REGIONAL BEHAVIORAL MANAGEMENT PROGRAM WITH THE DEVELOPMENT OF STATE STANDARDIZED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES AND SCHOOL DISTRICTS TO INCLUDE REFERRAL PROTOCOLS AND TO TRAIN SCHOOL PERSONNEL TO CONDUCT INITIAL BEHAVIORAL HEALTH SCREENINGS OF STUDENTS WHO EXPERIENCE STRESS OR ARE AT RISK OF HARM; TO AMEND SECTION 37-3-82, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ADDITIONAL STATE FUNDING OF SCHOOL RESOURCE OFFICERS BY THE STATE DEPARTMENT OF EDUCATION UNDER THE MISSISSIPPI COMMUNITY ORIENTED POLICING SERVICES IN SCHOOLS (MCOPS) PROGRAM; TO CODIFY SECTION 95-15-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO RAISE STATEWIDE AWARENESS REGARDING THE "SEE SOMETHING SAY SOMETHING ACT" AND PROVIDE IMMUNITY FROM LIABILITY FOR GOOD FAITH REPORTING OF SUSPICIOUS ACTIVITY OR BEHAVIOR; TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH THE MISSISSIPPI ANALYSIS AND INFORMATION CENTER (MSAIC FUSION CENTER) IN THE OFFICE OF HOMELAND SECURITY AND TO EMPLOY REGIONAL ANALYSTS DEDICATED TO STATEWIDE SOCIAL MEDIA INTELLIGENCE PLATFORM THREATS AND THE DISSEMINATION OF SCHOOL SAFETY INFORMATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be entitled and may be cited as the "Mississippi School Safety Act of 2019."

SECTION 2. Section 37-11-5, Mississippi Code of 1972, is amended as follows:

37-11-5. It shall be the duty of the principals and teachers in all public school buildings to instruct the pupils in the methods of fire drills and to practice fire drills until all the pupils in the school are familiar with the methods of escape. Such fire drills shall be conducted often enough to keep such pupils well drilled. It shall be the further duty of such principals and teachers to instruct the pupils in all programs of emergency management as may be designated by the State Department of Education.

(2) It shall be the further duty of such principals and teachers to develop and conduct an active shooter drill within the first sixty (60) days of each new school semester for students, teachers and staff.

SECTION 3. Section 37-3-83, Mississippi Code of 1972, is amended as follows:

37-3-83. (1) There is established within the State Department of Education, using only existing staff and resources, a School Safety Grant Program, available to all eligible public school districts, to assist in financing programs to provide school safety. However, no monies from the Temporary Assistance for Needy Families grant may be used for the School Safety Grant Program.

(2) The school board of each school district, with the assistance of the State Department of Education School Safety Center, shall adopt a comprehensive local school district school safety plan and shall update the plan on an annual basis.

(3) Subject to the extent of appropriations available, the School Safety Grant Program shall offer any of the following specific preventive services, and other additional services appropriate to the most current school district school safety plan:

(a) Metal detectors;

(b) Video surveillance cameras, communications equipment and monitoring equipment for classrooms, school buildings, school grounds and school buses;

(c) Crisis management/action teams responding to school violence;

(d) Violence prevention training, conflict resolution training, behavioral stress training and other appropriate training designated by the State Department of Education for faculty and staff; and

(e) School safety personnel.

(4) Each local school district of this state may annually apply for school safety grant funds subject to appropriations by the Legislature. School safety grants shall include a base grant amount plus an additional amount per student in average daily attendance in the school or school district. The base grant amount and amount per student shall be determined by the State Board of Education, subject to specific appropriation therefor by the Legislature. In order to be eligible for such program, each local school board desiring to participate shall apply to the State Department of Education by May 31 before the beginning of the applicable fiscal year on forms provided by the department, and shall be required to establish a local School Safety Task Force to involve members of the community in the school safety effort. The State Department of Education shall determine by July 1 of each succeeding year which local school districts have submitted approved applications for school safety grants.

(5) As part of the School Safety Grant Program, the State Department of Education may conduct a pilot program to research the feasibility of using video camera equipment in the classroom to address the following:

(a) Determine if video cameras in the classroom reduce student disciplinary problems;

(b) Enable teachers to present clear and convincing evidence of a student's disruptive behavior to the student, the principal, the superintendent and the student's parents; and

(c) Enable teachers to review teaching performance and receive diagnostic feedback for developmental purposes.

(6) Any local school district may use audio/visual-monitoring equipment in classrooms, hallways, buildings, grounds and buses for the purpose of monitoring school disciplinary problems.

(7) As a component of the comprehensive local school district school safety plan required under subsection (2) of this section, the school board of a school district may adopt and implement a policy addressing sexual abuse of children, to be known as "Erin's Law Awareness." Any policy adopted under this subsection may include or address, but need not be limited to, the following:

(a) Methods for increasing teacher, student and parental awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse;

(b) Educational information for parents or guardians, which may be included in the school handbook, on the warning signs of a child being abused, along with any needed assistance, referral or resource information;

(c) Training for school personnel on child sexual abuse;

(d) Age-appropriate curriculum for students in prekindergarten through fifth grade;

(e) Actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention;

(f) Counseling and resources available for students affected by sexual abuse; and

(g) Emotional and educational support for a child who has been abused to enable the child to be successful in school.

(8) As part of the school safety grant program, the State Department of Education shall establish three (3) pilot programs in six (6) school districts utilizing an evidence-based curriculum to provide students in Grades K-5 with skills to manage stress and anxiety in order for them to be better equipped to handle challenges in a healthy way and build resiliency. The Mississippi Department of Mental Health shall be responsible for the selection of the content of the evidence-based curriculum. The results of this pilot program shall be measured and reported, and such results shall be used in consideration of the implementation of this curriculum statewide.

(9) As a component of the comprehensive local school district safety plan required under subsection (2) of this section, beginning in the 2019-2020 school year, the State Department of Education shall require local school districts to

conduct, every two (2) years, refresher training on mental health and suicide prevention for all school employees and personnel, including all cafeteria workers, custodians, teachers and administrators. The Mississippi Department of Mental Health shall be responsible for the development and/or selection of the content of the training, which training shall be provided at no cost to school employees. School districts shall report completion of the training to the State Department of Education.

SECTION 4. Section 37-3-93, Mississippi Code of 1972, is amended as follows:

37-3-93. (1) Subject to the availability of funding specifically appropriated for such purpose, there is established a School Crisis Management Program under the State Department of Education. This program is to be initiated and executed by the department using only existing staff and resources. Under this program, the State Department of Education shall create an office making available a quick response team of personnel trained in school safety and crisis management to respond to traumatic or violent situations that impact students and faculty in the public schools in Mississippi. The required School Crisis Management Program shall operate in accordance with the following:

(a) The basic response team shall consist of those personnel designated by the State Superintendent of Public Education, or their designees, depending on the size of the school and the nature of the event.

(b) In order to access the services of a response team, the request must be made by the local school principal or the superintendent of schools, who shall make the request to the State Department of Education or its contact designee.

(c) A response team shall enter a school to work with students and faculty for a period of no more than three (3) days, unless otherwise requested by the school district.

(d) The State Department of Education, or its designee, shall operate a toll-free incoming wide area telephone service for the purpose of receiving reports of suspected cases of school violence and other traumatic situations impacting on students and faculty in the public schools.

(e) The request made by a school district to access the services of a response team following a school safety incident may seek a review of the local school district's safety plan, and the results of this evaluation may be published by the local school board in a newspaper with wide circulation in the district.

(f) Subject to the availability of funds specifically appropriated therefor by the Legislature, the expenses of the quick response teams and their administrative support shall be provided from state funds. The State Department of Education may apply for and expend funds for the support and maintenance of this program from private and other funding sources.

(2) Local school districts, school superintendents and principals may request and utilize the services of quick response

teams provided for under this section; however, this section does not require school officials to request the services of quick response teams.

(3) As a component of the School Crisis Management Program, the Mississippi Office of Homeland Security shall develop a curriculum, train and certify threat assessment officers. A certified threat assessment officer shall conduct an annual inspection and threat assessment of each public school in the state. The threat assessment officer shall develop an improvement plan for each school inspected. The assessment shall include the inspection of surveillance equipment and building-specific floor plans. The findings of the inspection and threat assessment, including a copy of the improvement plan shall be provided to local law enforcement agencies and the local school board within four (4) weeks of completion.

SECTION 5. Section 37-3-89, Mississippi Code of 1972, is brought forward as follows:

37-3-89. The State Board of Education, acting through the Commission on Teacher and Administrator Education, Certification and Licensure and Development, shall require each educator preparation program in the state, as a condition for approval, to include a course or courses on school discipline or classroom management as a required part of the teacher education program. All school discipline or classroom management courses offered by a teacher education program shall be approved by the Educator License Commission.

SECTION 6. Section 37-3-91, Mississippi Code of 1972, is amended as follows:

37-3-91. (1) Subject to the availability of funds appropriated for such purpose, the State Department of Education may establish regional behavioral institutes for the purpose of providing state-of-the-art training to teachers and administrators in discipline and classroom management strategies and behavioral health screenings for students.

(2) Any school district may volunteer to participate in a regional behavioral institute. However, the State Department of Education may require a school district to participate in a regional behavioral institute if the department determines that such participation is in the best interest of the school district based upon:

(a) Complaints received and determined by the department to be valid which relate to disciplinary problems in the school district;

(b) Any visit to the school by representatives of the department which indicates disciplinary problems in the school district; or

(c) A review of reports submitted by a school district to the department which indicates disciplinary problems in the school district.

(3) Effective with the 2019-2020 school year, the Mississippi Department of Mental Health shall develop a standardized Memorandum of Understanding ("MOU") to be utilized by the Mississippi Department of Mental Health certified mental health providers and mental health facilities in providing mental health services to local school districts. The MOU shall include standardized behavioral health screening and referral protocols, procedures and forms to be utilized by the local school districts. Any standardized behavioral health screening and referral protocols shall only be performed on students with the approval of the student's parent or legal guardian. The Mississippi Department of Mental Health shall provide online training for appropriate school personnel to conduct initial behavioral health screenings of students experiencing or exhibiting behavioral stress or at risk of harming themselves or others.

SECTION 7. Section 37-3-82, Mississippi Code of 1972, is amended as follows:

37-3-82. (1) There is hereby established the Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program in the State Department of Education to provide funding, pursuant to specific appropriation by the Legislature therefor, to assist law enforcement agencies in providing additional School Resource Officers to engage in community policing in and around primary and secondary schools. The MCOPS program shall authorize the State Department of Education to make grants to increase deployment of law enforcement officers in order (a) to increase or enhance community policing in this state, (b) that trained, sworn enforcement officers assigned to schools play an integral part in the development and/or enhancement of a comprehensive school safety plan, and (c) that the presence of these officers shall provide schools with a direct link to local law enforcement agencies.

(2) The MCOPS program shall meet the following requirements and standards:

(a) This program shall provide an incentive for law enforcement agencies to build collaborative partnerships with the school community and to use community policing efforts to combat school violence and implement educational programs to improve student and school safety.

(b) The additional School Resource Officers must devote at least seventy-five percent (75%) of their time to work in and around primary and secondary schools, in addition to the time that School Resource Officers are devoting in the absence of the MCOPS in Schools grant.

(c) Beginning with the 2019-2020 school year, the MCOPS in Schools program shall provide a * * * minimum state contribution of up to Ten Thousand Dollars ($10,000.00) per officer position over the one-year grant period, to be matched from local funds on a 50/50 matching basis. Officers paid with MCOPS funds may be employed by the local law enforcement agency or by the local school district. MCOPS funds may be used to pay for entry-level salaries and benefits of newly trained additional School Resource Officers and may be used to pay the salaries and benefits of School Resource Officers employed prior to July 1, 2013. All jurisdictions that apply must demonstrate that they have primary law enforcement authority over the school(s) identified in their application and demonstrate their inability to implement this project without state assistance. Schools or law enforcement agencies may not reduce its overall federal, state, locally funded level of sworn officers (including other School Resource Officers or other sworn officers assigned to the schools) as a result of applying for or receiving MCOPS in Schools grant funding. MCOPS in Schools funding may be used to rehire sworn officers previously employed who have been laid off for financial reasons unrelated to the availability of the MCOPS in Schools grant, but must obtain prior written approval from the State Department of Education. MCOPS in Schools funding may be used to train school resource officers. In order to be eligible for such program, each local school board desiring to participate shall apply to the State Department of Education by May 31 before the beginning of the applicable fiscal year on forms provided by the department. The State Department of Education shall determine by July 1 of each succeeding year which local school districts have submitted approved applications for School Resource Officer funding.

(* * *d) School Resource Officers (SROs) may serve in a variety of roles, including, but not limited to, that of a law enforcement officer/safety specialist, law-related educator, and problem-solver/community liaison. These officers may teach programs such as crime prevention, substance abuse prevention, and gang resistance as well as monitor and assist troubled students through mentoring programs. The School Resource Officer(s) may also identify physical changes in the environment that may reduce crime in and around the schools, as well as assist in developing school policies which address criminal activity and school safety. The application must also include a Memorandum of Understanding (MOU), signed by the law enforcement executive and the appropriate school official(s), to document the roles and responsibilities to be undertaken by the law enforcement agency and the educational school partner(s) through this collaborative effort. The application must also include a Narrative Addendum to document that the School Resource Officer(s) will be assigned to work in and around primary or secondary schools and provide supporting documentation in the following areas: problem identification and justification, community policing strategies to be used by the officers, quality and level of commitment to the effort, and the link to community policing.

(* * *e) All agencies receiving awards through the MCOPS in Schools program are required to send the School Resource Officer position(s) funded by this grant, to the Mississippi Law

Enforcement Officers' Training Academy where they shall be required to participate in training through the Advanced Law Enforcement Rapid Response Training Program at the academy, with the cost to be defrayed from the MCOPS program. The MCOPS Office of the State Department of Education will reimburse grantees for training, per diem, travel, and lodging costs for attendance of required participants up to a maximum of One Thousand Two Hundred Dollars ($1,200.00) per person attending. Applicants receiving an MCOPS in Schools grant, will receive additional training information following notification of the grant award. The MCOPS in Schools training requirement must be completed prior to the end of twelve-month grant funding for officer positions.

(3) The State Department of Education shall promulgate rules and regulations prescribing procedures for the application, expenditure requirements and the administration of the Mississippi Community Oriented Policing Services in Schools (MCOPS) program established in this section, and shall make a report on the implementation of the MCOPS program with any recommendations to the * * * 2020 Regular Session of the Legislature.

SECTION 8. Section 95-15-1, Mississippi Code of 1972, is amended as follows:

95-15-1. **Limitation of liability for report of suspicious activity or behavior.** (1) The School Safety Center within the State Department of Education shall develop and implement a statewide media campaign to prioritize and raise awareness for the

"See Something, Say Something Act" established under this section, as well as the national campaign established by the United States Department of Homeland Security, as a measure to encourage good faith reporting of suspicious activity to law enforcement agencies. The media campaign shall inform the public of the protections provided by the law in addition to useful tools, resources, appropriate local law enforcement agencies and emergency services contact information, and partnering entities, including, the Mississippi Office of Homeland Security, the Mississippi Department of Public Safety and the Mississippi Department of Mental Health. In addition to the media campaign, the School Safety Center shall also make this information available on the Internet website of the State Department of Education.

(* * *2) A person who in good faith makes a report of suspicious activity or behavior shall be immune from civil and criminal liability for the making of the report if the report is based on objectively reasonable suspicion.

(* * *3) For purposes of this section, "report of suspicious activity or behavior" means any communication to a law enforcement officer or agency or other appropriate authority of the behavior or activity of another person if the report is made with the reasonable belief that the behavior or activity constitutes or is in furtherance of an act of terrorism.

(* * *4) This section does not apply to the intentional making of a report known to be false, including a violation of Section 97-35-47, or to a report made with reckless disregard for the truth of the report.

SECTION 9. Section 45-1-2, Mississippi Code of 1972, is amended as follows:

45-1-2. (1) The Executive Director of the Department of Public Safety shall be the Commissioner of Public Safety.

(2) The Commissioner of Public Safety shall establish the organizational structure of the Department of Public Safety, which shall include the creation of any units necessary to implement the duties assigned to the department and consistent with specific requirements of law including, but not limited to:

(a) Office of Public Safety Planning;

(b) Office of Medical Examiner;

(c) Office of Mississippi Highway Safety Patrol;

(d) Office of Forensics Laboratories;

(e) Office of Law Enforcement Officers' Training Academy;

(f) Office of Support Services;

(g) Office of Narcotics, which shall be known as the Bureau of Narcotics; and

(h) Office of Homeland Security.

(3) The department shall be headed by a commissioner, who shall be appointed by and serve at the pleasure of the Governor.

The appointment of the commissioner shall be made with the advice and consent of the Senate. The commissioner may assign to the appropriate offices such powers and duties as deemed appropriate to carry out the department's lawful functions.

(4) The commissioner of the department shall appoint heads of offices, who shall serve at the pleasure of the commissioner. The commissioner shall have the authority to organize the offices established by subsection (2) of this section as deemed appropriate to carry out the responsibilities of the department. The organization charts of the department shall be presented annually with the budget request of the Governor for review by the Legislature.

(5) The commissioner of the department shall appoint, from within the Department of Public Safety, a statewide safety training officer who shall serve at the pleasure of the commissioner and whose duty it shall be to perform public training for both law enforcement and private persons throughout the state concerning proper emergency response to the mentally ill, terroristic threats or acts, domestic conflict, other conflict resolution, and such other matters as the commissioner may direct.

(6) The commissioner of the department shall establish within the Office of Homeland Security a Mississippi Analysis and Information Center (MSAIC Fusion Center) which shall be the highest priority for the allocation of available federal resources for statewide information sharing, including the deployment of

personnel and connectivity with federal data systems. Subject to appropriation therefor, the Mississippi Fusion Center shall employ three (3) regional analysts dedicated to analyzing and resolving potential threats identified by the agency's statewide social media intelligence platform and the dissemination of school safety information.

SECTION 10. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1307

Description: Land sold for nonpayment of ad valorem taxes; sale is voidable at option of owner if chancery clerk fails to send required notice.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Ways and Means
2	02/05	(H)	Title Suff Do Pass Comm Sub
3	02/06	(H)	Committee Substitute Adopted
4	02/06	(H)	Amended
5	02/06	(H)	Passed As Amended {Vote}
6	02/07	(H)	Motion to Reconsider Entered (Barton, Smith, Lamar)
7	02/13	(H)	Reconsidered
8	02/13	(H)	Amended
9	02/13	(H)	Passed As Amended {Vote}
10	02/15	(H)	Transmitted To Senate
11	02/26	(S)	Referred To Finance
12	03/05	(S)	Title Suff Do Pass As Amended
13	03/13	(S)	Amended
14	03/13	(S)	Passed As Amended {Vote}
15	03/14	(S)	Returned For Concurrence
16	03/18	(H)	Decline to Concur/Invite Conf
17	03/19	(H)	Conferees Named Smith,Lamar,Barton
18	03/22	(S)	Conferees Named Fillingane,Kirby,Polk
19	03/26	(S)	Conference Report Filed
20	03/26	(H)	Conference Report Filed
21	03/27	(H)	Conference Report Adopted {Vote}
22	03/27	(S)	Conference Report Adopted {Vote}
23	04/02	(H)	Enrolled Bill Signed
24	04/02	(S)	Enrolled Bill Signed
25	04/02	Due	From Governor 04/19/19

Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Amendment No 2 (Cmte Sub)***Adopted*** Voice Vote
[H] Amendment No 3 (Cmte Sub)Pending
[S] Committee Amendment No 1Replaced by Substitute
[S] Substitute No 1 for Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1307
Conference Reports:
| Conference Report

Code Section: A 027-0045-0027

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Barton
Additional Authors: Dixon

Title: AN ACT TO AMEND SECTION 24-45-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE PURCHASER OF LAND AT ANY TAX SALE, OR THE HOLDER OF THE LEGAL TITLE UNDER HIM BY DESCENT OR DISTRIBUTION, SHALL NOT HAVE ANY RIGHT OF ACTION TO CHALLENGE THE VALIDITY OF THE TAX SALE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2019

By: Representatives Barton, Dixon

To: Ways and Means

HOUSE BILL NO. 1307
(As Sent to Governor)

AN ACT TO AMEND SECTION 24-45-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE PURCHASER OF LAND AT ANY TAX SALE, OR THE HOLDER OF THE LEGAL TITLE UNDER HIM BY DESCENT OR DISTRIBUTION, SHALL NOT HAVE ANY RIGHT OF ACTION TO CHALLENGE THE VALIDITY OF THE TAX SALE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-45-27, Mississippi Code of 1972, is amended as follows:

27-45-27. (1) The amount paid by the purchaser of land at any tax sale thereof for taxes, either state and county, levee or municipal, and interest on the amount paid by the purchaser at the rate of one and one-half percent (1-1/2%) per month, or any fractional part thereof, and all expenses of the sale and registration, thereof shall be a lien on the land in favor of the purchaser and the holder of the legal title under him, by descent or purchase, if the taxes for which the land was sold were due, although the sale was illegal on some other ground. The purchaser and the holder of the legal title under him by descent or purchase, may enforce the lien by bill in chancery, and may obtain a decree for the sale of the land in default of payment of the amount within some short time to be fixed by the decree. In all suits for the possession of land, the defendant holding by descent or purchase, mediately or immediately, from the purchaser at tax sale of the land in controversy, may set off against the complainant the above-described claim, which shall have the same effect and be dealt with in all respects as provided for improvements in a suit for the possession of land. But the term "suits for the possession of land," as herein used, does not include an action of unlawful entry and detainer.

(2) No purchaser of land at any tax sale, nor holder of the legal title under him by descent or distribution, shall have any right of action to challenge the validity of the tax sale.

(* * *3) No county or municipal officer shall be liable to any purchaser at a tax sale or any recipient of a tax deed for any error or inadvertent omission by such official during any tax sale.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1352

Description: Criminal Justice Reform Act; create.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Judiciary B
2	02/04	(H)	Title Suff Do Pass Comm Sub
3	02/07	(H)	Committee Substitute Adopted
4	02/07	(H)	Passed {Vote}
5	02/08	(H)	Transmitted To Senate
6	02/26	(S)	Referred To Judiciary, Division A
7	03/05	(S)	Title Suff Do Pass As Amended
8	03/13	(S)	Amended
9	03/13	(S)	Passed As Amended {Vote}
10	03/18	(S)	Returned For Concurrence
11	03/18	(H)	Decline to Concur/Invite Conf
12	03/20	(H)	Conferees Named Cockerham,White,Hood
13	03/27	(S)	Conferees Named Hopson,Barnett,DeBar
14	03/27	(S)	Conference Report Filed
15	03/27	(H)	Conference Report Filed
16	03/28	(H)	Conference Report Adopted {Vote}
17	03/28	(S)	Conference Report Adopted {Vote}
18	04/02	(H)	Enrolled Bill Signed
19	04/02	(S)	Enrolled Bill Signed
20	04/02	Due From Governor 04/19/19	

Amendments:
[H] Amendment No 1 (Cmte Sub)Lost {Vote}
[S] Committee Amendment No 1Replaced by Substitute
[S] Substitute No 1 for Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Substitute No 1 for Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1352

Conference Reports:

| Conference Report

Code Section: A 009-0023-0001, A 009-0023-0003, A 009-0023-0005, A 009-0023-0007, A 009-0023-0009, A 009-0023-0011, A 009-0023-0013, A 009-0023-0015, A 009-0023-0017, A 009-0023-0019, A 009-0023-0021, A 009-0023-0023, A 009-0025-0001, A 009-0027-0001, A 009-0027-0003, A 009-0027-0007, A 009-0027-0009, A 009-0027-0011, A 009-0027-0015, A 009-0027-0017, A 009-0027-0019, RP 009-0027-0013, RP 009-0027-0021, A 025-0003-0035, A 043-0021-0357, A 063-0011-0031.1, A 099-0003-0045, A 099-0019-0073, A 063-0001-0051, A 063-0001-0053, A 063-0001-0052, A 063-0001-0071, A 063-0001-0046, A 099-0019-0071, A 047-0007-0049, A 047-0007-0040, A 099-0005-0011, A 021-0023-0007, A 043-0021-0159, A 099-0015-0026, A 099-0015-0057

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Judiciary, Division A

Principal Author: White
Additional Authors: Karriem, Taylor, Kinkade, Dixon, Baria, Boyd, Willis, Sykes, Gibbs (36th), Mickens, Burnett, Hines, Paden

Title: AN ACT TO CREATE THE CRIMINAL JUSTICE REFORM ACT; TO AMEND SECTIONS 9-23-1, 9-23-3, 9-23-5, 9-23-7, 9-23-9, 9-23-11, 9-23-13, 9-23-15, 9-23-17, 9-23-19, 9-23-21 AND 9-23-23, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELIGIBILITY OF DRUG COURTS, TO CHANGE THE REFERENCE OF DRUG COURTS TO “INTERVENTION COURTS”; TO INCLUDE MENTAL HEALTH COURTS, VETERANS COURTS AND OTHER INTERVENTION COURTS UNDER THE AUTHORITY OF THE INTERVENTION COURTS ADVISORY COMMITTEE; TO AMEND SECTION 9-25-1, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR VETERANS COURTS, TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTIONS 9-27-1, 9-27-3, 9-27-7, 9-27-9, 9-27-11, 9-27-15, 9-27-17 AND 9-27-19, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE RIVERS MCGRAW MENTAL HEALTH PROGRAM, TO CONFORM TO THE PRECEDING SECTIONS BY REMOVING THE WORD “PILOT” THROUGHOUT; TO REPEAL SECTIONS 9-27-13 AND 9-27-21, MISSISSIPPI CODE OF 1972, WHICH REGULATE PILOT PROGRAMS FOR MENTAL HEALTH DIVERSION COURTS; TO AMEND SECTIONS 25-3-35, 43-21-357, 63-11-31.1, 99-3-45 AND 99-19-73, MISSISSIPPI CODE OF 1972, TO CONFORM TO THIS ACT; TO AMEND SECTION 63-1-51, MISSISSIPPI CODE OF 1972, TO REMOVE THE OFFENSE OF CONTEMPT FOR FAILURE TO PAY A FINE OR FEE OR FAILURE TO RESPOND TO A SUMMONS OR CITATION RELATING TO A TRAFFIC VIOLATION AS A GROUNDS FOR REVOKING A PERSON’S DRIVER’S LICENSE; TO AMEND SECTION 63-1-53, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AFTER CERTAIN NOTICE IS GIVEN TO A PERSON WHO FAILS TO TIMELY PAY ANY FINES, FEES OR ASSESSMENTS RELATING TO A TRAFFIC VIOLATION WITHIN 90 DAYS OF RECEIVING THE NOTICE, THE PERSON SHALL BE SUBJECT TO HAVING THE FINES, FEES OR ASSESSMENTS COLLECTED BY A COURT RATHER THAN HAVING HIS OR HER DRIVER’S LICENSE SUSPENDED; TO

AMEND SECTION 63-1-52, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION 63-1-71, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT A PERSON'S DRIVER'S LICENSE BE SUSPENDED FOR A CONTROLLED SUBSTANCE VIOLATION THAT IS UNRELATED TO OPERATING A MOTOR VEHICLE; TO AMEND SECTION 63-1-46, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO REVISE THE ELIGIBILITY FOR EXPUNGEMENT; TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO REVISE THE INITIAL PERIOD ALLOWED FOR PAYMENT OF THE SUPERVISION FEE; TO AMEND SECTION 47-7-40, MISSISSIPPI CODE OF 1972, TO PROHIBIT DENIAL OF EARNED-DISCHARGE CREDITS SOLELY ON THE BASIS OF NONPAYMENT OF SUPERVISION FEES; TO AMEND SECTION 99-5-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE RELEASE OF CERTAIN MISDEMEANANTS ON RECOGNIZANCE; TO OPT OUT OF FEDERAL RESTRICTIONS ON SNAP ELIGIBILITY FOR DRUG OFFENDERS; TO AMEND SECTIONS 21-23-7, 43-21-159, 99-15-26 AND 99-15-57, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A COURT TO EXPUNGE THE RECORD OF A CASE IN WHICH THE PERSON WAS FOUND NOT GUILTY AT TRIAL; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives White, Karriem, Taylor, Kinkade, Dixon, Baria, Boyd, Willis, Sykes, Gibbs (36th), Mickens, Burnett, Hines, Paden

To: Judiciary B

HOUSE BILL NO. 1352
(As Sent to Governor)

AN ACT TO CREATE THE CRIMINAL JUSTICE REFORM ACT; TO AMEND SECTIONS 9-23-1, 9-23-3, 9-23-5, 9-23-7, 9-23-9, 9-23-11, 9-23-13, 9-23-15, 9-23-17, 9-23-19, 9-23-21 AND 9-23-23, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELIGIBILITY OF DRUG COURTS, TO CHANGE THE REFERENCE OF DRUG COURTS TO "INTERVENTION COURTS"; TO INCLUDE MENTAL HEALTH COURTS, VETERANS COURTS AND OTHER INTERVENTION COURTS UNDER THE AUTHORITY OF THE INTERVENTION COURTS ADVISORY COMMITTEE; TO AMEND SECTION 9-25-1, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR VETERANS COURTS, TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTIONS 9-27-1, 9-27-3, 9-27-7, 9-27-9, 9-27-11, 9-27-15, 9-27-17 AND 9-27-19, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE RIVERS MCGRAW MENTAL HEALTH PROGRAM, TO CONFORM TO THE PRECEDING SECTIONS BY REMOVING THE WORD "PILOT" THROUGHOUT; TO REPEAL SECTIONS 9-27-13 AND 9-27-21, MISSISSIPPI CODE OF 1972, WHICH REGULATE PILOT PROGRAMS FOR MENTAL HEALTH DIVERSION COURTS; TO AMEND SECTIONS 25-3-35, 43-21-357, 63-11-31.1, 99-3-45 AND 99-19-73, MISSISSIPPI CODE OF 1972, TO CONFORM TO THIS ACT; TO AMEND SECTION 63-1-51, MISSISSIPPI CODE OF 1972, TO REMOVE THE OFFENSE OF CONTEMPT FOR FAILURE TO PAY A FINE OR FEE OR FAILURE TO RESPOND TO A SUMMONS OR CITATION RELATING TO A TRAFFIC VIOLATION AS A GROUNDS FOR REVOKING A PERSON'S DRIVER'S LICENSE; TO AMEND SECTION 63-1-53, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AFTER CERTAIN NOTICE IS GIVEN TO A PERSON WHO FAILS TO TIMELY PAY ANY FINES, FEES OR ASSESSMENTS RELATING TO A TRAFFIC VIOLATION WITHIN 90 DAYS OF RECEIVING THE NOTICE, THE PERSON SHALL BE SUBJECT TO HAVING THE FINES, FEES OR ASSESSMENTS COLLECTED BY A COURT RATHER THAN HAVING HIS OR HER DRIVER'S LICENSE SUSPENDED; TO AMEND SECTION 63-1-52, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION 63-1-71, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT A PERSON'S DRIVER'S LICENSE BE SUSPENDED FOR A CONTROLLED SUBSTANCE VIOLATION THAT IS UNRELATED TO OPERATING A MOTOR VEHICLE; TO AMEND SECTION 63-1-46, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO REVISE THE

ELIGIBILITY FOR EXPUNGEMENT; TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO REVISE THE INITIAL PERIOD ALLOWED FOR PAYMENT OF THE SUPERVISION FEE; TO AMEND SECTION 47-7-40, MISSISSIPPI CODE OF 1972, TO PROHIBIT DENIAL OF EARNED-DISCHARGE CREDITS SOLELY ON THE BASIS OF NONPAYMENT OF SUPERVISION FEES; TO AMEND SECTION 99-5-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE RELEASE OF CERTAIN MISDEMEANANTS ON RECOGNIZANCE; TO OPT OUT OF FEDERAL RESTRICTIONS ON SNAP ELIGIBILITY FOR DRUG OFFENDERS; TO AMEND SECTIONS 21-23-7, 43-21-159, 99-15-26 AND 99-15-57, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A COURT TO EXPUNGE THE RECORD OF A CASE IN WHICH THE PERSON WAS FOUND NOT GUILTY AT TRIAL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Criminal Justice Reform Act."

SECTION 2. Section 9-23-1, Mississippi Code of 1972, is amended as follows:

9-23-1. This chapter shall be known and may be cited as the "Alyce Griffin Clarke * * * Intervention Court Act."

SECTION 3. Section 9-23-3, Mississippi Code of 1972, is amended as follows:

9-23-3. (1) The Legislature of Mississippi recognizes the critical need for judicial intervention to reduce the incidence of alcohol and drug use, alcohol and drug addiction, and crimes committed as a result of alcohol and drug use and alcohol and drug addiction. It is the intent of the Legislature to facilitate local * * * intervention court alternative orders adaptable to chancery, circuit, county, youth, municipal and justice courts.

(2) The goals of the * * * intervention courts under this chapter include the following:

(a) To reduce alcoholism and other drug dependencies among adult and juvenile offenders and defendants and among respondents in juvenile petitions for abuse, neglect or both;

(b) To reduce criminal and delinquent recidivism and the incidence of child abuse and neglect;

(c) To reduce the alcohol-related and other drug-related court workload;

(d) To increase personal, familial and societal accountability of adult and juvenile offenders and defendants and respondents in juvenile petitions for abuse, neglect or both;

(e) To promote effective interaction and use of resources among criminal and juvenile justice personnel, child protective services personnel and community agencies; and

(f) To use corrections resources more effectively by redirecting prison-bound offenders whose criminal conduct is driven in part by drug and alcohol dependence to intensive supervision and clinical treatment available in the * * * intervention court.

SECTION 4. Section 9-23-5, Mississippi Code of 1972, is amended as follows:

9-23-5. For the purposes of this chapter, the following words and phrases shall have the meanings ascribed unless the context clearly requires otherwise:

(a) "Chemical" tests means the analysis of an individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v) saliva, (vi) urine, or (vii) other bodily substance to determine the presence of alcohol or a controlled substance.

(b) "Crime of violence" means an offense listed in Section 97-3-2.

(c) " * * * Intervention court" means * * * a drug court, mental health court, veterans court or problem-solving court that utilizes an immediate and highly structured intervention process for * * * eligible defendants or juveniles that * * * brings together mental health professionals, substance abuse professionals, local social programs and intensive judicial monitoring * * *.

(d) "Evidence-based practices" means supervision policies, procedures and practices that scientific research demonstrates reduce recidivism.

(e) "Risk and needs assessment" means the use of an actuarial assessment tool validated on a Mississippi corrections population to determine a person's risk to reoffend and the characteristics that, if addressed, reduce the risk to reoffend.

SECTION 5. Section 9-23-7, Mississippi Code of 1972, is amended as follows:

9-23-7. The Administrative Office of Courts shall be responsible for certification and monitoring of local * * * intervention courts according to standards promulgated by the State * * * Intervention Courts Advisory Committee.

SECTION 6. Section 9-23-9, Mississippi Code of 1972, is amended as follows:

9-23-9. (1) The State * * * Intervention Courts Advisory Committee is established to develop and periodically update proposed statewide evaluation plans and models for monitoring all critical aspects of * * * intervention courts. The committee must provide the proposed evaluation plans to the Chief Justice and the Administrative Office of Courts. The committee shall be chaired by the Director of the Administrative Office of Courts or a designee of the director and shall consist of * * * eleven (11) members all of whom shall be appointed by the Supreme Court * * *. The members shall be broadly representative of the courts, mental health, veterans affairs, law enforcement, corrections, criminal defense bar, prosecutors association, juvenile justice, child protective services and substance abuse treatment communities.

(2) The State * * * Intervention Courts Advisory Committee may also make recommendations to the Chief Justice, the Director of the Administrative Office of Courts and state officials concerning improvements to * * * intervention court policies and procedures including the * * * intervention court certification process. The committee may make suggestions as to the criteria for eligibility, and other procedural and substantive guidelines for * * * intervention court operation.

(3) The State * * * Intervention Courts Advisory Committee shall act as arbiter of disputes arising out of the operation

of * * * intervention courts established under this chapter and make recommendations to improve the * * * intervention courts; it shall also make recommendations to the Supreme Court necessary and incident to compliance with established rules.

(4) The State * * * Intervention Courts Advisory Committee shall establish through rules and regulations a viable and fiscally responsible plan to expand the number of adult and juvenile * * * intervention court programs operating in Mississippi. These rules and regulations shall include plans to increase participation in existing and future programs while maintaining their voluntary nature.

(5) The State * * * Intervention Courts Advisory Committee shall receive and review the monthly reports submitted to the Administrative Office of Courts by each certified * * * intervention court and provide comments and make recommendations, as necessary, to the Chief Justice and the Director of the Administrative Office of Courts.

SECTION 7. Section 9-23-11, Mississippi Code of 1972, as amended by Senate Bill No. 2491, 2019 Regular Session, is amended as follows:

9-23-11. (1) The Administrative Office of Courts shall establish, implement and operate a uniform certification process for all * * * intervention courts and other problem-solving courts including juvenile courts, veterans courts or any other court designed to adjudicate criminal actions involving an identified classification of criminal defendant to ensure funding for * * * intervention courts supports effective and proven practices that reduce recidivism and substance dependency among their participants.

(2) The Administrative Office of Courts shall establish a certification process that ensures any new or existing * * * intervention court meets minimum standards for * * * intervention court operation.

(a) These standards shall include, but are not limited to:

(i) The use of evidence-based practices including, but not limited to, the use of a valid and reliable risk and needs assessment tool to identify participants and deliver appropriate interventions;

(ii) Targeting medium to high-risk offenders for participation;

(iii) The use of current, evidence-based interventions proven to reduce dependency on drugs or alcohol, or both;

(iv) Frequent testing for alcohol or drugs;

(v) Coordinated strategy between all * * * intervention court program personnel involving the use of graduated clinical interventions;

(vi) Ongoing judicial interaction with each participant; and

(vii) Monitoring and evaluation of * * * intervention court program implementation and outcomes through data collection and reporting.

(b) * * * Intervention court certification applications shall include:

(i) A description of the need for the * * * intervention court;

(ii) The targeted population for the * * * intervention court;

(iii) The eligibility criteria for * * * intervention court participants;

(iv) A description of the process for identifying appropriate participants including the use of a risk and needs assessment and a clinical assessment;

(v) A description of the * * * intervention court intervention components, including anticipated budget and implementation plan;

(vi) The data collection plan which shall include collecting the following data:

1. Total number of participants;

2. Total number of successful participants;

3. Total number of unsuccessful participants and the reason why each participant did not complete the program;

4. Total number of participants who were arrested for a new criminal offense while in the * * * intervention court program;

5. Total number of participants who were convicted of a new felony or misdemeanor offense while in the * * * intervention court program;

6. Total number of participants who committed at least one (1) violation while in the * * * intervention court program and the resulting sanction(s);

7. Results of the initial risk and needs assessment or other clinical assessment conducted on each participant; and

8. * * * Total number of applications for screening by race, gender, offenses charged, indigence and, if not accepted, the reason for nonacceptance; and

* * * 9. Any other data or information as required by the Administrative Office of Courts.

(c) Every * * * intervention court shall be certified under the following schedule:

(i) * * * An intervention court application submitted after July 1, 2014, shall require certification of the * * * intervention court based on the proposed drug court plan * * *.

(ii) * * * An intervention court initially established and certified after July 1, 2014, shall be recertified after its second year of funded operation * * * on a time frame consistent with the other certified courts of its type.

(iii) A certified adult felony * * * intervention court in existence on * * * December 31, 2018, must submit a * * * recertification petition * * * by July 1, 2019, and be * * * recertified under the requirements of this section * * * on or before December 31, 2019; after the recertification, all certified adult felony intervention courts must submit a recertification petition every two (2) years to the Administrative Office of Courts. The recertification process must be completed by December 31st of every odd calendar year.

(iv) * * * A certified youth, family, misdemeanor or chancery intervention court in existence on December 31, 2018, must submit a recertification petition by July 31, 2020, and be recertified under the requirements of this section by December 31, 2020. After the recertification, all certified youth, family, misdemeanor and chancery intervention courts must submit a recertification petition every two (2) years to the Administrative Office of Courts * * *. The recertification process must be completed by December 31st of every even calendar year.

(3) All certified * * * intervention courts shall measure successful completion of the drug court based on those participants who complete the program without a new criminal conviction.

(4) (a) All certified drug courts must collect and submit to the Administrative Office of Courts each month, the following data:

(i) Total number of participants at the beginning of the month;

(ii) Total number of participants at the end of the month;

(iii) Total number of participants who began the program in the month;

(iv) Total number of participants who successfully completed the * * * intervention court in the month;

(v) Total number of participants who left the program in the month;

(vi) Total number of participants who were arrested for a new criminal offense while in the * * * intervention court program in the month;

(vii) Total number of participants who were convicted for a new criminal arrest while in the * * * intervention court program in the month; and

(viii) Total number of participants who committed at least one (1) violation while in the * * * intervention court program and any resulting sanction(s).

(b) By August 1, 2015, and each year thereafter, the Administrative Office of Courts shall report to the PEER Committee the information in subsection (4)(a) of this section in a sortable, electronic format.

(5) All certified * * * intervention courts may individually establish rules and may make special orders and rules as necessary that do not conflict with the rules promulgated by the Supreme Court or the Administrative Office of Courts.

(6) A certified * * * intervention court may appoint the full- or part-time employees it deems necessary for the work of the * * * intervention court and shall fix the compensation of those employees. Such employees shall serve at the will and pleasure of the judge or the judge's designee.

(7) The Administrative Office of Courts shall promulgate rules and regulations to carry out the certification and re-certification process and make any other policies not inconsistent with this section to carry out this process.

(8) A certified * * * intervention court established under this chapter is subject to the regulatory powers of the Administrative Office of Courts as set forth in Section 9-23-17.

SECTION 8. Section 9-23-13, Mississippi Code of 1972, is amended as follows:

9-23-13. (1) * * * An intervention court's alcohol and drug intervention component shall provide for eligible individuals, either directly or through referrals, a range of necessary court intervention services, including, but not limited to, the following:

(a) Screening using a valid and reliable assessment tool effective for identifying alcohol and drug dependent persons for eligibility and appropriate services;

(b) Clinical assessment; for a DUI offense, if the person has two (2) or more DUI convictions, the court shall order the person to undergo an assessment that uses a standardized evidence-based instrument performed by a physician to determine whether the person has a diagnosis for alcohol and/or drug dependence and would likely benefit from a court-approved medication-assisted treatment indicated and approved for the treatment of alcohol and/or drug dependence by the United States Food and Drug Administration, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. Upon considering the results of the assessment, the court may refer the person to a rehabilitative program that offers one or more forms of court-approved medications that are approved for the treatment of alcohol and/or drug dependence by the United States Food and Drug Administration;

(c) Education;

(d) Referral;

(e) Service coordination and case management; and

(f) Counseling and rehabilitative care.

(2) Any inpatient treatment or inpatient detoxification program ordered by the court shall be certified by the Department

of Mental Health, other appropriate state agency or the equivalent agency of another state.

(3) All intervention courts shall make available the option for participants to use court-approved medication-assisted treatment while participating in the programs of the court in accordance with the recommendations of the National Drug Court Institute.

SECTION 9. Section 9-23-15, Mississippi Code of 1972, is amended as follows:

9-23-15. (1) In order to be eligible for alternative sentencing through a local * * * intervention court, the participant must satisfy each of the following criteria:

(a) The participant cannot have any felony convictions for any offenses that are crimes of violence as defined in Section 97-3-2 within the previous ten (10) years.

(b) The crime before the court cannot be a crime of violence as defined in Section 97-3-2.

(c) Other criminal proceedings alleging commission of a crime of violence cannot be pending against the participant.

(d) The participant cannot be * * * charged with burglary of a dwelling under Section 97-17-23(2) or 97-17-37.

(e) The crime before the court cannot be a charge of driving under the influence of alcohol or any other drug or drugs that resulted in the death of a person.

(f) The crime charged cannot be one of trafficking in controlled substances under Section 41-29-139(f), nor can the participant have a prior conviction for same.

(2) Participation in the services of an alcohol and drug intervention component shall be open only to the individuals over whom the court has jurisdiction, except that the court may agree to provide the services for individuals referred from another * * * intervention court. In cases transferred from another jurisdiction, the receiving judge shall act as a special master and make recommendations to the sentencing judge.

(3) (a) As a condition of participation in * * * an intervention court, a participant may be required to undergo a chemical test or a series of chemical tests as specified by the * * * intervention court. A participant is liable for the costs of all chemical tests required under this section, regardless of whether the costs are paid to the * * * intervention court or the laboratory; however, if testing is available from other sources or the program itself, the judge may waive any fees for testing. The judge may waive all fees if the applicant is determined to be indigent.

(b) A laboratory that performs a chemical test under this section shall report the results of the test to the * * * intervention court.

(4) A person does not have a right to participate in * * * intervention court under this chapter. The court having

jurisdiction over a person for a matter before the court shall have the final determination about whether the person may participate in * * * intervention court under this chapter. However, any person meeting the eligibility criteria in subsection (1) of this section shall, upon request, be screened for admission to intervention court.

SECTION 10. Section 9-23-17, Mississippi Code of 1972, is amended as follows:

9-23-17. With regard to any * * * intervention court * * *, the Administrative Office of Courts shall do the following:

(a) Certify and re-certify * * * intervention court applications that meet standards established by the Administrative Office of Courts in accordance with this chapter.

(b) Ensure that the structure of the intervention component complies with rules adopted under this section and applicable federal regulations.

(c) Revoke the authorization of a program upon a determination that the program does not comply with rules adopted under this section and applicable federal regulations.

(d) Make agreements and contracts to effectuate the purposes of this chapter with:

(i) Another department, authority or agency of the state;

(ii) Another state;

(iii) The federal government;

(iv) A state-supported or private university; or

(v) A public or private agency, foundation, corporation or individual.

(e) Directly, or by contract, approve and certify any intervention component established under this chapter.

(f) Require, as a condition of operation, that each * * * intervention court created or funded under this chapter be certified by the Administrative Office of Courts.

(g) Collect monthly data reports submitted by all certified * * * intervention courts, provide those reports to the State * * * Intervention Courts Advisory Committee, compile an annual report summarizing the data collected and the outcomes achieved by all certified * * * intervention courts and submit the annual report to the Oversight Task Force.

(h) Every three (3) years contract with an external evaluator to conduct an evaluation of the effectiveness of the * * * intervention court program, both statewide and individual * * * intervention court programs, in complying with the key components of the * * * intervention courts adopted by the National Association of Drug Court Professionals.

(i) Adopt rules to implement this chapter.

SECTION 11. Section 9-23-19, Mississippi Code of 1972, is amended as follows:

9-23-19. (1) All monies received from any source by the * * * intervention court shall be accumulated in a fund to be used only for * * * intervention court purposes. Any funds remaining in this fund at the end of a fiscal year shall not lapse into any general fund, but shall be retained in the * * * Intervention Court Fund for the funding of further activities by the * * * intervention court.

(2) * * * An intervention court may apply for and receive the following:

(a) Gifts, bequests and donations from private sources.

(b) Grant and contract money from governmental sources.

(c) Other forms of financial assistance approved by the court to supplement the budget of the * * * intervention court.

(3) The costs of participation in an alcohol and drug intervention program required by the certified * * * intervention court may be paid by the participant or out of user fees or such other state, federal or private funds that may, from time to time, be made available.

(4) The court may assess such reasonable and appropriate fees to be paid to the local * * * Intervention Court Fund for participation in an alcohol or drug intervention program; however, all fees may be waived if the applicant is determined to be indigent.

SECTION 12. Section 9-23-21, Mississippi Code of 1972, is amended as follows:

9-23-21. The director and members of the professional and administrative staff of the * * * intervention court who perform duties in good faith under this chapter are immune from civil liability for:

(a) Acts or omissions in providing services under this chapter; and

(b) The reasonable exercise of discretion in determining eligibility to participate in the * * * intervention court.

SECTION 13. Section 9-23-23, Mississippi Code of 1972, is amended as follows:

9-23-23. If the participant completes all requirements imposed upon him by the * * * intervention court, including the payment of fines and fees assessed and not waived by the court, the charge and prosecution shall be dismissed. If the defendant or participant was sentenced at the time of entry of plea of guilty, the successful completion of the * * * intervention court order and other requirements of probation or suspension of sentence will result in the record of the criminal conviction or adjudication being expunged. However, no expunction of any implied consent violation shall be allowed.

SECTION 14. Section 9-25-1, Mississippi Code of 1972, is amended as follows:

9-25-1. (1) The Legislature recognizes that our military veterans have provided an invaluable service to our country. In doing so, many may have suffered the effects of, including, but not limited to, post-traumatic stress disorder, traumatic brain injury and depression, and may also suffer drug and alcohol dependency or addiction and co-occurring mental illness and substance abuse problems. As a result of this, some veterans come into contact with the criminal justice system and are charged with felony offenses. There is a critical need for the justice system to recognize these veterans, provide accountability for their wrongdoing, provide for the safety of the public, and provide for the treatment of our veterans. It is the intent of the Legislature to create a framework for which specialized veterans treatment courts may be established at the circuit court level and at the discretion of the circuit court judge.

(2) **Authorization.** A circuit court judge may establish a Veterans Treatment Court program. The Veterans Treatment Court may, at the discretion of the circuit court judge, be a separate court program or as a component of an existing * * * intervention court program. At the discretion of the circuit court judge, the Veterans Treatment Court may be operated in one (1) county within the circuit court district, and allow veteran participants from all counties within the circuit court district to participate.

(3) **Eligibility.** (a) In order to be eligible to participate in a Veterans Treatment Court program established under this section, the attorney representing the state must consent to the defendant's participation in the program. Further, the court in which the criminal case is pending must have found

that the defendant is a veteran of the United States Armed Forces as defined in Title 38 USCS.

(b) Participation in the services of an alcohol and drug intervention component shall only be open to the individuals over whom the court has jurisdiction, except that the court may agree to provide the services for individuals referred from another Veterans Treatment Court. In cases transferred from another jurisdiction, the receiving judge shall act as a special master and make recommendations to the sentencing judge.

(c) (i) As a condition of participation in a Veterans Treatment Court, a participant may be required to undergo a chemical test or a series of chemical tests as specified by the Veterans Treatment Court program. A participant may be held liable for costs associated with all chemical tests required under this section. However, a judge may waive any fees for testing.

(ii) A laboratory that performs chemical tests under this section shall report the results of the tests to the Veterans Treatment Courts.

(d) A person does not have the right to participate in a Veterans Treatment Court program under this chapter. The court having jurisdiction over a person for a matter before the court shall have the final determination about whether the person may participate in the Veterans Treatment Court program.

(e) A defendant shall be excluded from participating in a Veterans Treatment Court program if any one (1) of the following applies:

(i) The crime before the court is a crime of violence as set forth in paragraph (c) of this subsection.

(ii) The defendant does not demonstrate a willingness to participate in a treatment program.

(iii) The defendant has been previously convicted of a felony crime of violence including, but not limited to: murder, rape, sexual battery, statutory rape of a child under the age of sixteen (16), armed robbery, arson, aggravated kidnapping, aggravated assault, stalking, or any offense involving the discharge of a firearm or where serious bodily injury or death resulted to any person.

(f) The court in which the criminal case is pending shall allow an eligible defendant to choose whether to proceed through the Veterans Treatment Court program or otherwise through the justice system.

(g) Proof of matters under this section may be submitted to the court in which the criminal case is pending in any form the court determines to be appropriate, including military service and medical records, previous determinations of a disability by a veteran's organization or by the United States Department of Veterans Affairs, testimony or affidavits of other veterans or service members, and prior determinations of eligibility for benefits by any state or county veterans office.

(4) **Administrative Office of Courts.** With regard to any Veterans Treatment Court established under this chapter, the Administrative Office of Courts may do the following:

(a) Ensure that the structure of the intervention component complies with rules adopted under this chapter and applicable federal regulations.

(b) Revoke the authorization of a program upon a determination that the program does not comply with rules adopted under this chapter and applicable federal regulations.

(c) Enter into agreements and contracts to effectuate the purposes of this chapter with:

(i) Another department, authority, or agency of the state;

(ii) Another state;

(iii) The federal government;

(iv) A state-supported or private university; or

(v) A public or private agency, foundation, corporation, or individual.

(d) Directly, or by contract, approve and certify any intervention component established under this chapter.

(e) Require, as a condition of operation, that each veterans court created or funded under this chapter be certified by the Administrative Office of Courts.

(f) Adopt rules to implement this chapter.

(5) **State * * * Intervention Court Advisory Committee.** (a) The State * * * Intervention Court Advisory Committee shall be responsible for developing statewide rules and policies as they relate to Veterans Treatment Court programs.

(b) The State * * * Intervention Court Advisory Committee may also make recommendations to the Chief Justice, the Director of the Administrative Office of Courts and state officials concerning improvements to Veterans Treatment Court policies and procedures.

(c) The State * * * Intervention Court Advisory Committee shall act as an arbiter of disputes arising out of the operation of Veterans Treatment Court programs established under this chapter and make recommendations to improve the Veterans Treatment Court programs.

(6) **Funding for Veterans Treatment Courts.** (a) All monies received from any source by the Veterans Treatment Court program shall be accumulated in a fund to be used only for Veterans Treatment Court purposes. Any funds remaining in this fund at the end of the fiscal year shall not lapse into the General Fund, but shall be retained in the Veterans Treatment Court fund for the funding of further activities by the Veterans Treatment Court program.

(b) A Veterans Treatment Court program may apply for and receive the following:

(i) Gifts, bequests and donations from private sources.

(ii) Grant and contract money from governmental sources.

(iii) Other forms of financial assistance approved by the court to supplement the budget of the Veterans Treatment Court program.

(7) **Immunity.** The coordinator and members of the professional and administrative staff of the Veterans Treatment Court program who perform duties in good faith under this chapter are immune from civil liability for:

(a) Acts or omissions in providing services under this chapter; and

(b) The reasonable exercise of discretion in determining eligibility to participate in the Veterans Treatment Court program.

(8) This section shall be codified as a separate article in Title 9, Mississippi Code of 1972.

SECTION 15. Section 9-27-1, Mississippi Code of 1972, is amended as follows:

9-27-1. This chapter shall be known and may be cited as the Rivers McGraw Mental Health Diversion * * * Program Act.

SECTION 16. Section 9-27-3, Mississippi Code of 1972, is amended as follows:

9-27-3. (1) The Legislature recognizes the critical need for judicial intervention to establish court processes and procedures that are more responsive to the needs of defendants with mental illnesses, while maintaining public safety and the integrity of the court process. * * *

(2) The goals of the mental health * * * courts under this chapter include the following:

(a) Reduce the number of future criminal justice contacts among offenders with mental illnesses;

(b) Reduce the inappropriate institutionalization of people with mental illnesses;

(c) Improve the mental health and well-being of defendants who come in contact with the criminal justice system;

(d) Improve linkages between the criminal justice system and the mental health system;

(e) Expedite case processing;

(f) Protect public safety;

(g) Establish linkages with other state and local agencies and programs that target people with mental illnesses in order to maximize the delivery of services; and

(h) To use corrections resources more effectively by redirecting prison-bound offenders whose criminal conduct is driven in part by mental illnesses to intensive supervision and clinical treatment available in the mental health * * * court.

SECTION 17. Section 9-27-7, Mississippi Code of 1972, is amended as follows:

9-27-7. (1) The Administrative Office of Courts is the repository for reports filed by * * * courts established under this chapter. The goal of the * * * mental health courts is to support effective and proven practices that reduce recidivism and provide treatment for participants.

(2) * * * Mental health courts must adhere to the standards established in this chapter.

(a) These standards shall include, but are not limited to:

(i) The use of evidence-based practices including, but not limited to, the use of a valid and reliable risk and needs assessment tool to identify participants and deliver appropriate treatments;

(ii) Targeting medium- to high-risk offenders for participation;

(iii) The use of current, evidence-based interventions proven to provide mental health treatment;

(iv) Coordinated strategy between all mental health * * * court personnel;

(v) Ongoing judicial interaction with each participant; and

(vi) Monitoring and evaluation of mental health * * * court implementation and outcomes through data collection and reporting.

(b) * * * Mental health courts must implement a data collection plan, which shall include collecting the following data:

(i) Total number of participants;

(ii) Total number of successful participants;

(iii) Total number of unsuccessful participants and the reason why each participant did not complete the program;

(iv) Total number of participants who were arrested for a new criminal offense while in the * * * mental health court;

(v) Total number of participants who were convicted of a new felony or misdemeanor offense while in the * * * mental health court;

(vi) Total number of participants who committed at least one (1) violation while in the * * * mental health court and the resulting sanction(s);

(vii) Results of the initial risk and needs assessment or other clinical assessment conducted on each participant; and

(viii) Any other data or information as required by the Administrative Office of Courts.

(3) All mental health * * * courts must measure successful completion of the program based on those participants who complete the program without a new criminal conviction.

(4) (a) * * * Mental health courts must collect and submit to the Administrative Office of Courts each month, the following data:

(i) Total number of participants at the beginning of the month;

(ii) Total number of participants at the end of the month;

(iii) Total number of participants who began the program in the month;

(iv) Total number of participants who successfully completed the program in the month;

(v) Total number of participants who left the program in the month;

(vi) Total number of participants who were arrested for a new criminal offense while in the program in the month;

(vii) Total number of participants who were convicted for a new criminal arrest while in the program in the month; and

(viii) Total number of participants who committed at least one (1) violation while in the program and any resulting sanction(s).

(b) By August 1, 2018, and each year thereafter, the Administrative Office of Courts shall report to the PEER Committee the information in subsection (4)(a) of this section in a sortable, electronic format.

(5) Mental health * * * courts may individually establish rules and may make special orders and rules as necessary that do not conflict with rules promulgated by the Supreme Court or the Administrative Office of Courts.

(6) A mental health * * * court may appoint the full or part-time employees it deems necessary for the work of the mental health * * * court and shall fix the compensation of those employees, who shall serve at the will and pleasure of the senior circuit court judge.

(7) A mental health * * * court established under this chapter is subject to the regulatory powers of the Administrative Office of Courts as set forth in Section 9-27-13.

SECTION 18. Section 9-27-9, Mississippi Code of 1972, is amended as follows:

9-27-9. (1) A mental health * * * court's mental health intervention component shall provide for eligible individuals, either directly or through referrals, a range of necessary court treatment services, including, but not limited to, the following:

(a) Screening using a valid and reliable assessment tool effective for identifying persons affected by mental health issues for eligibility and appropriate services;

(b) Clinical assessment;

(c) Education;

(d) Referral;

(e) Service coordination and case management; and

(f) Counseling and rehabilitative care.

(2) Any inpatient treatment ordered by the court shall be certified by the Department of Mental Health, other appropriate state agency or the equivalent agency of another state.

SECTION 19. Section 9-27-11, Mississippi Code of 1972, is amended as follows:

9-27-11. (1) In order to be eligible for alternative sentencing through a local mental health * * * court, the participant must satisfy each of the following criteria:

(a) The participant cannot have any felony convictions for any offenses that are crimes of violence as defined in Section 97-3-2, other than burglary under Section 97-17-23(1), within the previous ten (10) years.

(b) The crime before the court cannot be a crime of violence as defined in Section 97-3-2, other than burglary under Section 97-17-23(1).

(c) Other criminal proceedings alleging commission of a crime of violence other than burglary under Section 97-17-23(1) cannot be pending against the participant.

(d) The crime before the court cannot be a charge of driving under the influence of alcohol or any other substance that resulted in the death of a person. In addition, persons who are ineligible for nonadjudication under Section 63-11-30 shall be ineligible to participate in a mental health * * * court.

(e) The crime charged cannot be one of trafficking in controlled substances under Section 41-29-139(f), nor can the participant have a prior conviction for same.

(2) Participation in the services of a mental health treatment component shall be open only to the individuals over whom the court has jurisdiction, except that the court may agree to provide the services for individuals referred from another mental health * * * court. In cases transferred from another jurisdiction, the receiving judge shall act as a special master and make recommendations to the sentencing judge.

(3) (a) As a condition of participation in a mental health * * * court, a participant may be required to undergo a chemical test or a series of chemical tests as specified by the program. A participant is liable for the costs of all chemical tests required under this section, regardless of whether the costs are paid to the mental health * * * court or the laboratory; however, if testing is available from other sources or the program itself, the judge may waive any fees for testing. Fees may be waived if the applicant is determined to be indigent.

(b) A laboratory that performs a chemical test under this section shall report the results of the test to the mental health * * * court.

(4) A person does not have a right to participate in a mental health * * * under this chapter. The court having jurisdiction over a person for a matter before the court shall have the final determination about whether the person may participate in the mental health * * * court under this chapter. However, any person meeting the eligibility criteria in subsection (1) of this section, shall, upon request, be screened for admission into the court's program.

SECTION 20. Section 9-27-15, Mississippi Code of 1972, is amended as follows:

9-27-15. (1) All monies received from any source by a mental health * * * court shall be accumulated in a local fund to be used only for mental health * * * court purposes. Any funds remaining in a local fund at the end of a fiscal year shall not lapse into any general fund, but shall be retained in the mental health * * * court fund for the funding of further activities by the mental health * * * court. * * *

(2) A mental health * * * court may apply for and receive the following:

(a) Gifts, bequests and donations from private sources.

(b) Grant and contract monies from governmental sources.

(c) Other forms of financial assistance approved by the court to supplement the budget of the mental health diversion * * * program.

(3) The costs of participation in a mental health treatment program required by the mental health * * * court may be paid by the participant or out of user fees or such other state, federal or private funds that may, from time to time, be made available.

(4) The court may assess reasonable and appropriate fees to be paid to the local mental health * * * court fund for participation in a mental health treatment program; however, all fees may be waived by the court if the applicant is determined to be indigent.

SECTION 21. Section 9-27-17, Mississippi Code of 1972, is amended as follows:

9-27-17. The director and members of the professional and administrative staff of the mental health * * * court who perform duties in good faith under this chapter are immune from civil liability for:

(a) Acts or omissions in providing services under this chapter; and

(b) The reasonable exercise of discretion in determining eligibility to participate in the mental health * * * court.

SECTION 22. Section 9-27-19, Mississippi Code of 1972, is amended as follows:

9-27-19. If the participant completes all requirements imposed upon him by the mental health * * * court, * * * the charge and prosecution shall be dismissed. If the defendant or participant was sentenced at the time of entry of a plea of guilty, the successful completion of the mental health * * * court order and other requirements of probation or suspension of sentence will result in the record of the criminal conviction or adjudication being expunged.

SECTION 23. Sections 9-27-13 and 9-27-21, Mississippi Code of 1972, which regulate pilot programs for mental health diversion courts, are repealed.

SECTION 24. Section 25-3-35, Mississippi Code of 1972, is amended as follows:

25-3-35. (1) The annual salaries of the following judges are fixed as follows:

From and after January 1, 2013, through December 31, 2013:

Chief Justice of the Supreme Court...............	$126,292.50
Presiding Justices of the Supreme Court, each.....	123,600.75
Associate Justices of the Supreme Court, each.....	122,460.00

From and after January 1, 2014, through December 31, 2014:

Chief Justice of the Supreme Court...............	$137,195.00
Presiding Justices of the Supreme Court, each.....	134,011.50
Associate Justices of the Supreme Court, each.....	132,390.00

From and after January 1, 2015, through December 31, 2015:

Chief Justice of the Supreme Court...............	$148,097.50
Presiding Justices of the Supreme Court, each.....	144,422.25
Associate Justices of the Supreme Court, each.....	142,320.00

From and after January 1, 2016:

Chief Justice of the Supreme Court................	$159,000.00
Presiding Justices of the Supreme Court, each.....	154,833.00
Associate Justices of the Supreme Court, each.....	152,250.00

There are imposed upon the Supreme Court justices the extra duties of taking all necessary action to promote judicial education in schools, * * * intervention courts, electronic filing and case management systems as developed by the Administrative Office of Courts, or such other additional duties as may be assigned by the Chief Justice of the Supreme Court. For such extra services each justice, from and after January 1, 2013, shall receive a sum sufficient to aggregate, per annum, the salaries set forth in this subsection (1).

The fixed salaries in this subsection (1) shall be paid from the State General Fund and from the Judicial System Operation Fund created under Section 9-21-45. No less than: One Hundred Fifteen Thousand Three Hundred Ninety Dollars ($115,390.00) of the Chief Justice's salary in this subsection (1), One Hundred Thirteen Thousand One Hundred Ninety Dollars ($113,190.00) of the salary of a presiding justice in this subsection (1), and One Hundred Twelve Thousand Five Hundred Thirty Dollars ($112,530.00) of the salary of an associate justice in this subsection (1) shall be paid from general fund monies; in addition, the Legislature shall appropriate annually from the Judicial System Operation Fund a sum sufficient to increase the salary of the Chief Justice, a presiding justice and an associate justice to the levels set forth in this subsection (1).

The fixed salaries as specified in this subsection (1) shall be the exclusive and total compensation which can be reported to the Public Employees' Retirement System for retirement purposes; however, any judge in office on December 31, 2003, may continue to report his expense allowance as part of his compensation for retirement purposes.

(2) The annual salaries of the judges of the Court of Appeals of Mississippi are fixed as follows:

From and after January 1, 2013, through December 31, 2013:

Chief Judge of the Court of Appeals..............$117,992.00

Associate Judges of the Court of Appeals, each.... 114,994.25

From and after January 1, 2014, through December 31, 2014:

Chief Judge of the Court of Appeals..............$127,854.00

Associate Judges of the Court of Appeals, each.... 124,938.50

From and after January 1, 2015, through December 31, 2015:

Chief Judge of the Court of Appeals..............$137,716.00

Associate Judges of the Court of Appeals, each.... 134,882.75

From and after January 1, 2016:

Chief Judge of the Court of Appeals..............$147,578.00

Associate Judges of the Court of Appeals, each.... 144,827.00

From and after January 1, 2013, each judge shall receive a sum sufficient to aggregate, per annum, the salaries set forth in this subsection (2).

The fixed salaries in this subsection (2) shall be paid from the State General Fund and from the Judicial System Operation Fund created under Section 9-21-45. No less than One Hundred Eight Thousand One Hundred Thirty Dollars ($108,130.00) of the Chief Judge's salary in this subsection (2) shall be paid from general fund monies; in addition, the Legislature shall appropriate annually from the Judicial System Operation Fund a sum sufficient to increase the Chief Judge's salary to the level set forth in this subsection (2). No less than One Hundred Five Thousand Fifty Dollars ($105,050.00) of the salary of an associate judge in this subsection (2) shall be paid from general fund monies; in addition, the Legislature shall appropriate annually from the Judicial System Operation Fund a sum sufficient to increase the salary of an associate judge to the level set forth in this subsection (2).

The fixed salaries as specified in this subsection (2) shall be the exclusive and total compensation which can be reported to the Public Employees' Retirement System for retirement purposes; however, any judge in office on December 31, 2003, may continue to report his expense allowance as part of his compensation for retirement purposes.

(3) The annual salaries of the chancery and circuit court judges are fixed as follows:

From and after January 1, 2013, through December 31, 2013:

Chancery Judges, each............................	$112,127.50

Circuit Judges, each............................	112,127.50
From and after January 1, 2014, through December 31, 2014:	
Chancery Judges, each............................	$120,085.00
Circuit Judges, each............................	120,085.00
From and after January 1, 2015, through December 31, 2015:	
Chancery Judges, each............................	$128,042.50
Circuit Judges, each............................	128,042.50
From and after January 1, 2016:	
Chancery Judges, each............................	$136,000.00
Circuit Judges, each............................	136,000.00

In addition to their present official duties, the circuit and chancery judges shall take necessary action to promote judicial education in schools, * * * intervention courts, electronic filing and case management systems as developed by the Administrative Office of Courts, or such other additional duties as may be assigned by the Chief Justice of the Supreme Court. For such extra services each judge, from and after January 1, 2013, shall receive a sum sufficient to aggregate, per annum, the salaries set forth in this subsection (3).

The fixed salaries in this subsection (3) shall be paid from the State General Fund and from the Judicial System Operation Fund created under Section 9-21-45. No less than One Hundred Four Thousand One Hundred Seventy Dollars ($104,170.00) of the salary of a chancery or circuit Judge in this subsection (3) shall be paid from general fund monies; in addition, the Legislature shall appropriate annually from the Judicial System Operation Fund a sum sufficient to increase the salary of a chancery or circuit judge to the levels set forth in this subsection (3).

(4) From and after January 1, 2019, and every four (4) years thereafter, the annual salaries of the judges in subsections (1), (2) and (3) shall be fixed at the level of compensation recommended by the State Personnel Board according to the board's most recent report on judicial salaries, as required under Section 25-9-115, to the extent that sufficient funds are available. The annual salaries fixed in accordance with this subsection (4) shall not become effective until the commencement of the next immediately succeeding term of office.

(5) The Supreme Court shall prepare a payroll for chancery judges and circuit judges and submit such payroll to the Department of Finance and Administration.

(6) The annual salary of the full-time district attorneys shall be:

From and after January 1, 2013, through December 31, 2013:

One Hundred Three Thousand Three Hundred Twenty-two Dollars ($103,322.00).

From and after January 1, 2014, through December 31, 2014:

One Hundred Ten Thousand Eight Hundred Forty-eight Dollars ($110,848.00).

From and after January 1, 2015, through December 31, 2015:

One Hundred Eighteen Thousand Three Hundred Seventy-four Dollars ($118,374.00).

From and after January 1, 2016:

One Hundred Twenty-five Thousand Nine Hundred Dollars ($125,900.00).

(7) The annual salary of the full-time legal assistants shall be not less than Fifteen Thousand Dollars ($15,000.00) nor more than eighty percent (80%) of the salary of the district attorney for legal assistants who have been licensed to practice law for five (5) years or less; eighty-five percent (85%) of the salary of the district attorney for legal assistants who have been licensed to practice law for at least five (5) years but less than fifteen (15) years; and ninety percent (90%) of the salary of the district attorney for legal assistants who have been licensed to practice law for at least fifteen (15) years or more.

SECTION 25. Section 43-21-357, Mississippi Code of 1972, is amended as follows:

43-21-357. (1) After receiving a report, the youth court intake unit shall promptly make a preliminary inquiry to determine whether the interest of the child, other children in the same environment or the public requires the youth court to take further action. As part of the preliminary inquiry, the youth court intake unit may request or the youth court may order the Department of Human Services, the Department of Youth Services, any successor agency or any other qualified public employee to make an investigation or report concerning the child and any other children in the same environment, and present the findings thereof to the youth court intake unit. If the youth court intake unit receives a neglect or abuse report, the youth court intake unit shall immediately forward the complaint to the Department of Human Services to promptly make an investigation or report concerning the child and any other children in the same environment and promptly present the findings thereof to the youth court intake unit. If it appears from the preliminary inquiry that the child or other children in the same environment are within the jurisdiction of the court, the youth court intake unit shall recommend to the youth court:

(a) That the youth court take no action;

(b) That an informal adjustment be made;

(c) The Department of Human Services, Division of Family and Children Services, monitor the child, family and other children in the same environment;

(d) That the child is warned or counseled informally;

(e) That the child be referred to the youth court * * * intervention court; or

(f) That a petition be filed.

(2) The youth court shall then, without a hearing:

(a) Order that no action be taken;

(b) Order that an informal adjustment be made;

(c) Order that the Department of Human Services, Division of Family and Children Services, monitor the child, family and other children in the same environment;

(d) Order that the child is warned or counseled informally;

(e) That the child be referred to the youth * * * intervention court; or

(f) Order that a petition be filed.

(3) If the preliminary inquiry discloses that a child needs emergency medical treatment, the judge may order the necessary treatment.

SECTION 26. Section 63-11-31.1, Mississippi Code of 1972, is amended as follows:

63-11-31.1. (1) The Mississippi Forensics Laboratory shall promulgate rules and regulations for court-ordered drug testing of DUI/other drug violators and shall approve which vendors are eligible to be utilized by the trial courts when ordering defendants to undergo drug testing as a condition of continuing to exercise the privilege to drive. The Forensics Laboratory may assess fees to the vendors, and shall prescribe the maximum costs to the offender for drug testing. The Forensics Laboratory may seek the advice of the State * * * Intervention Court Advisory Committee in fulfilling these duties.

(2) The Forensics Laboratory must evaluate proposals made by prospective vendors for acceptability, including, without limitation, the following factors:

(a) A description of the method used for assessment;

(b) The frequency with which the offender will be tested;

(c) The procedure used by the vendor to ensure the accuracy of the test results;

(d) The length of time allowed the offender to provide a biological sample after being given notice;

(e) The frequency with which the vendor will make reports to the court;

(f) The list of approved sites for the collection of biological samples for testing.

(3) The Forensics Laboratory must promulgate regulations for the program and for vendors, including at a minimum:

(a) That the offender must pay the cost of the testing program or, if the court finds the offender to be indigent, that the cost be paid from the Interlock Device Fund.

(b) How indigent funds will be accessed by the vendors, and the maximum cost to the offender or the fund.

(4) The Forensics Laboratory will provide the list of approved vendors, subject to continuous updating, to the Mississippi Judicial College for dissemination to the trial courts.

SECTION 27. Section 99-3-45, Mississippi Code of 1972, is amended as follows:

99-3-45. A person under the age of twenty-one (21) who is released under either Section 99-3-17 or 99-3-18 following arrest must be given notice:

(a) That the person is allowed to call a parent, guardian or custodian in addition to any other opportunity to call that has been afforded to such person; and

(b) That * * * Intervention Court and other pretrial diversion programs may be available for many offenses.

SECTION 28. Section 99-19-73, Mississippi Code of 1972, is amended as follows:

99-19-73. (1) **Traffic violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation in Title 63, Mississippi Code of 1972, except offenses relating to the Mississippi Implied Consent Law (Section 63-11-1 et seq.) and offenses relating to vehicular parking or registration:

FUND	AMOUNT
State Court Education Fund	[Deleted]
State Prosecutor Education Fund	[Deleted]
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	[Deleted]

Child Support Prosecution Trust Fund....................[Deleted]

Driver Training Penalty Assessment Fund.................[Deleted]

Law Enforcement Officers Training Fund..................[Deleted]

Spinal Cord and Head Injury Trust Fund (for all moving violations)........................[Deleted]

Emergency Medical Services Operating Fund...............[Deleted]

Mississippi Leadership Council on Aging Fund............[Deleted]

Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund..........................[Deleted]

Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....................[Deleted]

State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.......[Deleted]

Crisis Intervention Mental Health Fund..................[Deleted]

* * * Intervention Court Fund..........................[Deleted]

Judicial Performance Fund...............................[Deleted]

Capital Defense Counsel Fund............................[Deleted]

Indigent Appeals Fund...................................[Deleted]

Capital Post-Conviction Counsel Fund....................[Deleted]

Victims of Domestic Violence Fund.......................[Deleted]

Public Defenders Education Fund.........................[Deleted]

Domestic Violence Training Fund.........................[Deleted]

Attorney General's Cyber Crime Unit.....................[Deleted]

Children's Safe Center Fund.............................[Deleted]

DuBard School for Language Disorders Fund	[Deleted]
Children's Advocacy Centers Fund	[Deleted]
Judicial System Operation Fund	[Deleted]
GENERAL FUND	$ 90.50

(2) **Implied Consent Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or any other penalty for any violation of the Mississippi Implied Consent Law (Section 63-11-1 et seq.):

FUND	AMOUNT
Crime Victims' Compensation Fund	[Deleted]
State Court Education Fund	[Deleted]
State Prosecutor Education Fund	[Deleted]
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	[Deleted]
Child Support Prosecution Trust Fund	[Deleted]
Driver Training Penalty Assessment Fund	[Deleted]
Law Enforcement Officers Training Fund	[Deleted]
Emergency Medical Services Operating Fund	[Deleted]
Mississippi Alcohol Safety Education Program Fund	[Deleted]
Federal-State Alcohol Program Fund	[Deleted]
Mississippi Forensics Laboratory Implied Consent Law Fund	[Deleted]
Spinal Cord and Head Injury Trust Fund	[Deleted]

Capital Defense Counsel Fund	[Deleted]
Indigent Appeals Fund	[Deleted]
Capital Post-Conviction Counsel Fund	[Deleted]
Victims of Domestic Violence Fund	[Deleted]
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	[Deleted]
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	[Deleted]
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	[Deleted]
Crisis Intervention Mental Health Fund	[Deleted]
* * * Intervention Court Fund	[Deleted]
Statewide Victims' Information and Notification System Fund	[Deleted]
Public Defenders Education Fund	[Deleted]
Domestic Violence Training Fund	[Deleted]
Attorney General's Cyber Crime Unit	[Deleted]
GENERAL FUND	$ 243.50

(3) **Game and Fish Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation of the game and fish statutes or regulations of this state:

FUND	AMOUNT
State Court Education Fund	[Deleted]
State Prosecutor Education Fund	[Deleted]
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	[Deleted]
Law Enforcement Officers Training Fund	[Deleted]
Hunter Education and Training Program Fund	[Deleted]
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	[Deleted]
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	[Deleted]
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	[Deleted]
Crisis Intervention Mental Health Fund	[Deleted]
* * * Intervention Court Fund	[Deleted]
Capital Defense Counsel Fund	[Deleted]
Indigent Appeals Fund	[Deleted]
Capital Post-Conviction Counsel Fund	[Deleted]
Victims of Domestic Violence Fund	[Deleted]
Public Defenders Education Fund	[Deleted]
Domestic Violence Training Fund	[Deleted]
Attorney General's Cyber Crime Unit	[Deleted]
GENERAL FUND	$ 89.00

(4) [Deleted]

(5) **Speeding, reckless and careless driving violations.** In addition to any assessment imposed under subsection (1) or (2) of this section, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for driving a vehicle on a road or highway:

(a) At a speed that exceeds the posted speed limit by at least ten (10) miles per hour but not more than twenty (20) miles per hour..$10.00

(b) At a speed that exceeds the posted speed limit by at least twenty (20) miles per hour but not more than thirty (30) miles per hour..$20.00

(c) At a speed that exceeds the posted speed limit by thirty (30) miles per hour or more..........................$30.00

(d) In violation of Section 63-3-1201, which is the offense of reckless driving................................$10.00

(e) In violation of Section 63-3-1213, which is the offense of careless driving................................$10.00

All assessments collected under this subsection shall be deposited into the State General Fund.

(6) **Other misdemeanors.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any misdemeanor violation not specified in subsection (1), (2) or (3)

of this section, except offenses relating to vehicular parking or registration:

FUND	AMOUNT
Crime Victims' Compensation Fund	$[Deleted]
State Court Education Fund	[Deleted]
State Prosecutor Education Fund	[Deleted]
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	[Deleted]
Child Support Prosecution Trust Fund	[Deleted]
Law Enforcement Officers Training Fund	[Deleted]
Capital Defense Counsel Fund	[Deleted]
Indigent Appeals Fund	[Deleted]
Capital Post-Conviction Counsel Fund	[Deleted]
Victims of Domestic Violence Fund	[Deleted]
State Crime Stoppers Fund	[Deleted]
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	[Deleted]
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	[Deleted]
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	[Deleted]
Crisis Intervention Mental Health Fund	[Deleted]
* * * Intervention Court Fund	[Deleted]
Judicial Performance Fund	[Deleted]

Statewide Victims' Information and Notification System Fund	[Deleted]
Public Defenders Education Fund	[Deleted]
Domestic Violence Training Fund	[Deleted]
Attorney General's Cyber Crime Unit	[Deleted]
Information Exchange Network Fund	[Deleted]
Motorcycle Officer Training Fund	[Deleted]
Civil Legal Assistance Fund	[Deleted]
Justice Court Collections Fund	[Deleted]
Municipal Court Collections Fund	[Deleted]
GENERAL FUND	$121.75

(7) **Other felonies.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any felony violation not specified in subsection (1), (2) or (3) of this section:

FUND	AMOUNT
Crime Victims' Compensation Fund	$[Deleted]
State Court Education Fund	[Deleted]
State Prosecutor Education Fund	[Deleted]
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	[Deleted]
Child Support Prosecution Trust Fund	[Deleted]
Law Enforcement Officers Training Fund	[Deleted]

Capital Defense Counsel Fund	[Deleted]
Indigent Appeals Fund	[Deleted]
Capital Post-Conviction Counsel Fund	[Deleted]
Victims of Domestic Violence Fund	[Deleted]
Criminal Justice Fund	[Deleted]
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	[Deleted]
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	[Deleted]
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	[Deleted]
Crisis Intervention Mental Health Fund	[Deleted]
* * * Intervention Court Fund	[Deleted]
Statewide Victims' Information and Notification System Fund	[Deleted]
Public Defenders Education Fund	[Deleted]
Domestic Violence Training Fund	[Deleted]
Attorney General's Cyber Crime Unit	[Deleted]
Forensics Laboratory DNA Identification System Fund	[Deleted]
GENERAL FUND	$280.50

(8) **Additional assessments on certain violations:**

(a) **Railroad crossing violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation involving railroad crossings under Section 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

Operation Lifesaver Fund............................$25.00

(b) **Drug violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 41-29-139:

Drug Evidence Disposition Fund........................$25.00

(c) **Motor vehicle liability insurance violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 63-15-4(4) or Section 63-16-13(1):

Uninsured Motorist Identification Fund:

First offense...............................$200.00

Second offense..............................$300.00

Third or subsequent offense.................$400.00

(9) If a fine or other penalty imposed is suspended, in whole or in part, such suspension shall not affect the state

assessment under this section. No state assessment imposed under the provisions of this section may be suspended or reduced by the court.

(10) (a) After a determination by the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal check.

(b) It shall be the duty of the chancery clerk of each county to deposit all state assessments collected in the circuit, county and justice courts in the county on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county and justice courts in the county under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in the county during that month.

(c) It shall be the duty of the municipal clerk of each municipality to deposit all the state assessments collected in the municipal court in the municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments collected in the municipal court in the municipality under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the municipal court in the municipality during that month.

(11) It shall be the duty of the Department of Finance and Administration to deposit on a monthly basis all state assessments into the State General Fund or proper special fund in the State Treasury. The Department of Finance and Administration shall issue regulations providing for the proper allocation of these funds.

(12) The State Auditor shall establish by regulation procedures for refunds of state assessments, including refunds associated with assessments imposed before July 1, 1990, and refunds after appeals in which the defendant's conviction is reversed. The Auditor shall provide in the regulations for certification of eligibility for refunds and may require the defendant seeking a refund to submit a verified copy of a court order or abstract by which the defendant is entitled to a refund. All refunds of state assessments shall be made in accordance with the procedures established by the Auditor.

SECTION 29. Section 63-1-51, Mississippi Code of 1972, is amended as follows:

63-1-51. (1) It shall be the duty of the court clerk, upon conviction of any person holding a license issued pursuant to this article where the penalty for a traffic violation is as much as Ten Dollars ($10.00), to mail a copy of abstract of the court record or provide an electronically or computer generated copy of abstract of the court record immediately to the commissioner at Jackson, Mississippi, showing the date of conviction, penalty, etc., so that a record of same may be made by the Department of Public Safety. The commissioner shall forthwith revoke the license of any person for a period of one (1) year upon receiving a duly certified record of each person's convictions of any of the following offenses when such conviction has become final:

(a) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(b) Any felony in the commission of which a motor vehicle is used;

(c) Failure to stop and render aid as required under the laws of this state in event of a motor vehicle accident resulting in the death or personal injury of another;

(d) Perjury or the willful making of a false affidavit or statement under oath to the department under this article or under any other law relating to the ownership or operation of motor vehicles; or

(e) Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months * * *.

* * *

(2) The commissioner shall revoke the license issued pursuant to this article of any person convicted of negligent homicide, in addition to any penalty now provided by law.

(3) In addition to the reasons specified in this section, the commissioner shall be authorized to suspend the license issued to any person pursuant to this article for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 30. Section 63-1-53, Mississippi Code of 1972, is amended as follows:

63-1-53. (1) * * * Upon failure of any person to pay timely any fine, fee or assessment levied as a result of any violation of this title, the clerk of the court shall give written notice to such person by United States first-class mail at his last known address advising such person that, if within * * * ninety (90) days after such notice is deposited in the mail, the person * * * has not paid the entire amount of all fines, fees and assessments levied, then the court will * * * pursue collection as for any other delinquent payment, and shall be entitled to collection of all additional fees in accordance with subsection (4) of this section.

(2) The commissioner is hereby authorized to suspend the license of an operator without preliminary hearing upon a showing by his records or other sufficient evidence that the licensee:

(a) Has committed an offense for which mandatory revocation of license is required upon conviction except under the provisions of the Mississippi Implied Consent Law;

(b) Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

(c) Is an habitually reckless or negligent driver of a motor vehicle;

(d) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(e) Is incompetent to drive a motor vehicle;

(f) Has permitted an unlawful or fraudulent use of such license;

(g) Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or

* * *

(* * *h) Has committed a violation for which mandatory revocation of license is required upon conviction, entering a plea of nolo contendere to, or adjudication of delinquency, pursuant to the provisions of subsection (1) of Section 63-1-71.

(3) Notice that a person's license is suspended or will be suspended under subsection (2) of this section shall be given by the commissioner in the manner and at the time provided for under Section 63-1-52, and upon such person's request, he shall be afforded an opportunity for a hearing as early as practicable, but not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or his duly authorized agent, may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the commissioner shall either rescind any order of suspension or, good cause appearing therefor, may extend any suspension of such license or revoke such license.

(4) If a licensee has not paid all cash appearance bonds authorized under Section 99-19-3 or all fines, fees or other assessments levied as a result of a violation of this title within ninety (90) days * * * after receiving notice of the licensee's failure to pay all fines, fees or other assessments as provided in subsection (1) of this section, the court is authorized to pursue collection under Section 21-17-1(6) or 19-3-41(2) as for any other delinquent payment, and shall be entitled to collection of all additional fees authorized under those sections.

SECTION 31. Section 63-1-52, Mississippi Code of 1972, is amended as follows:

63-1-52. (1) Whenever the Commissioner of Public Safety suspends, cancels or revokes the driver's license or driving privileges of any person, notice of the suspension, cancellation or revocation shall be given to such person by the commissioner, or his duly authorized agent, in the manner provided in subsection (2) of this section and at the time provided in subsection (3) of this section or in the manner and at the time provided in subsection (4) of this section.

(2) Notice shall be given in the following manner:

(a) In writing, (i) by United States Certificate of Mailing; or (ii) by personal service at the person's address as it appears on the driving record maintained by the Department of Public Safety or at the person's last-known address; or (iii) by personal notice being given by any law enforcement officer of this state or any duly authorized agent of the Commissioner of Public Safety on forms prescribed and furnished by the Commissioner of Public Safety; whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Driver License Compact Law, the Mississippi Implied Consent Law, the Mississippi Motor Vehicle Safety Responsibility Law or * * * subsection (2)(c), (2)(d), (2)(e) or (2)(f) of Section 63-1-53.

(b) In writing, by United States first class mail, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Commercial Driver's License Law, the Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section 63-1-51, * * * subsection (2)(g) * * * or (2)(h) * * * of Section 63-1-53, or Section 63-9-25.

(3) Notice shall be given at the following time:

(a) Before suspension, revocation or cancellation, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Driver License Compact Law, the Mississippi Motor Vehicle Safety Responsibility Law or * * * subsection (2)(c), (2)(d), (2)(e) or (2)(f) of Section 63-1-53.

(b) Unless otherwise specifically provided for by law, at the time of suspension, revocation or cancellation, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Commercial Driver's License Law, the Mississippi Implied Consent Law, the Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section 63-1-51, * * * subsection (2)(g) * * * or (2)(h) * * * of Section 63-1-53, or Section 63-9-25.

(4) Whenever the Commissioner of Public Safety suspends, revokes or cancels the driver's license or driving privileges of any person in accordance with some provision of law other than a provision of law referred to in subsections (2) and (3) of this section, and the manner and time for giving notice is not provided for in such law, then notice of such suspension, revocation or cancellation shall be given in the manner and at the time provided for under * * * subsections (2)(b) and (3)(b) of this section.

SECTION 32. Section 63-1-71, Mississippi Code of 1972, is amended as follows:

63-1-71. (1) * * * Notwithstanding the provisions of Section 63-11-30 * * *(3) and in addition to any penalty authorized by the Uniform Controlled Substances Law or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, every person convicted of driving under the influence of a controlled substance, or entering a plea of nolo contendere thereto, or adjudicated delinquent therefor, in a court of this state, * * * the United States, another state, a territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, shall forthwith forfeit his right to operate a motor vehicle over the highways of this state for a period of not less than six (6) months. In the case of any person who at the time of the imposition of sentence does not have a driver's license or is less than * * * sixteen (16) years of age, the period of the suspension of driving privileges authorized herein shall commence on the day the sentence is imposed and shall run for a period of not less than six (6) months after the day the person obtains a driver's license or reaches the age of * * * sixteen (16). If the driving privilege of any person is under revocation or suspension at the time of any conviction or adjudication of delinquency for * * * driving under the influence of a controlled substance, the revocation or suspension period imposed herein shall commence as of the date of termination of the existing revocation or suspension.

(2) The court in this state before whom any person is convicted of or adjudicated delinquent for * * * driving under the influence of a controlled substance shall collect forthwith the Mississippi driver's license of the person and forward such license to the Department of Public Safety along with a report indicating the first and last day of the suspension or revocation period imposed pursuant to this section. If the court is for any reason unable to collect the license of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the Commissioner of Public Safety.

That report shall include the complete name, address, date of birth, eye color and sex of the person and shall indicate the first and last day of the suspension or revocation period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or revocation imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in Section 63-11-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of Section 63-11-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license but shall notify forthwith the Commissioner of Public Safety who shall notify the appropriate officials in the licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's nonresident driving privilege in this state.

(3) The county court or circuit court having jurisdiction, on petition, may reduce the suspension of driving privileges under this section if the * * * suspension would constitute a hardship on the offender. When the petition is filed, such person shall pay to the circuit clerk of the court where the petition is filed a fee of Twenty Dollars ($20.00) for each year, or portion

thereof, of license revocation or suspension remaining under the original sentence, which shall be deposited into the State General Fund to the credit of a special fund hereby created in the State Treasury to be used for alcohol or drug abuse treatment and education, upon appropriation by the Legislature. This fee shall be in addition to any other court costs or fees required for the filing of petitions.

SECTION 33. Section 63-1-46, Mississippi Code of 1972, is amended as follows:

63-1-46. (1) (a) Except as otherwise provided in this section, a fee of One Hundred Dollars ($100.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended, revoked or cancelled.

(b) The funds received under the provisions of this subsection shall be distributed as follows:

(i) Twenty-five Dollars ($25.00) shall be deposited into the State General Fund in accordance with Section 45-1-23;

(ii) Twenty-five Dollars ($25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section 25-13-7;

(iii) Twenty-five Dollars ($25.00) shall be deposited into the special fund created in Section 63-1-45(3) for purchases of equipment by the Mississippi Highway Safety Patrol; and

(iv) Twenty-five Dollars ($25.00) shall be deposited into the Interlock Device Fund created in Section 63-11-33.

(2) (a) A fee of One Hundred Seventy-five Dollars ($175.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended or revoked under the provisions of the Mississippi Implied Consent Law * * *.

(b) The funds received under the provisions of this subsection shall be distributed as follows:

(i) One Hundred Dollars ($100.00) shall be deposited into the State General Fund in accordance with Section 45-1-23;

(ii) Twenty-five Dollars ($25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section 25-13-7;

(iii) Twenty-five Dollars ($25.00) shall be deposited into the special fund created in Section 63-1-45(3) for purchases of equipment by the Mississippi Highway Safety Patrol; and

(iv) Twenty-five Dollars ($25.00) shall be deposited into the Interlock Device Fund created in Section 63-11-33.

(3) (a) A fee of Twenty-five Dollars ($25.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended for nonpayment of child support under the provisions of Sections 93-11-151 through 93-11-163. The funds received under the provisions of this subsection shall be deposited into the State General Fund in accordance with Section 45-1-23.

(b) The procedure for the reinstatement of a license issued under this article that has been suspended for being out of compliance with an order for support, as defined in Section 93-11-153, and the payment of any fees for the reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.

(4) A fee of Twenty-five Dollars ($25.00) will be charged for the reinstatement of a license that was suspended due to payment by a draft or other instrument that is dishonored by the payor.

(5) All reinstatement fees charged under this section shall be in addition to the fees prescribed in Section 63-1-43.

SECTION 34. Section 99-19-71, Mississippi Code of 1972, as amended by House Bill No. 940, 2019 Regular Session, is amended as follows:

99-19-71. (1) Any person who has been convicted of a misdemeanor that is not a traffic violation, and who is a first offender, may petition the justice, county, circuit or municipal court in which the conviction was had for an order to expunge any such conviction from all public records.

(2) (a) * * * Except as otherwise provided in this subsection, a person who has been convicted of * * * a felony and who has paid all criminal fines and costs of court imposed in the sentence of conviction may petition the court in which the conviction was had for an order to expunge one (1) conviction from all public records five (5) years after the successful completion of all terms and conditions of the sentence for the conviction * * * upon a hearing as determined in the discretion of the court; however, a person is not eligible to expunge a felony classified as:

(i) A crime of violence as provided in Section 97-3-2;

(ii) Arson, first degree as provided in Sections 97-17-1 and 97-17-3;

(iii) Trafficking in controlled substances as provided in Section 41-29-139;

(iv) A third, fourth or subsequent offense DUI as provided in Section 63-11-30(2)(c) and (2)(d);

(v) Felon in possession of a firearm as provided in Section 97-37-5;

(vi) Failure to register as a sex offender as provided in Section 45-33-33;

(vii) Voyeurism as provided in Section 97-29-61;

(viii) Witness intimidation as provided in Section 97-9-113;

(ix) Abuse, neglect or exploitation of a vulnerable person as provided in Section 43-47-19; or

(x) Embezzlement as provided in Sections 97-11-25 and 97-23-19.

A person is eligible for only one (1) felony expunction under this paragraph. For the purposes of this section, the terms "one (1) conviction" and "one (1) felony expunction" mean and include all convictions that arose from a common nucleus of operative facts as determined in the discretion of the court.

* * *

(* * *b) The petitioner shall give ten (10) days' written notice to the district attorney before any hearing on the petition. In all cases, the court wherein the petition is filed may grant the petition if the court determines, on the record or in writing, that the applicant is rehabilitated from the offense which is the subject of the petition. In those cases where the court denies the petition, the findings of the court in this respect shall be identified specifically and not generally.

(3) Upon entering an order of expunction under this section, a nonpublic record thereof shall be retained by the Mississippi

Criminal Information Center solely for the purpose of determining whether, in subsequent proceedings, the person is a first offender. The order of expunction shall not preclude a district attorney's office from retaining a nonpublic record thereof for law enforcement purposes only. The existence of an order of expunction shall not preclude an employer from asking a prospective employee if the employee has had an order of expunction entered on his behalf. The effect of the expunction order shall be to restore the person, in the contemplation of the law, to the status he occupied before any arrest or indictment for which convicted. No person as to whom an expunction order has been entered shall be held thereafter under any provision of law to be guilty of perjury or to have otherwise given a false statement by reason of his failure to recite or acknowledge such arrest, indictment or conviction in response to any inquiry made of him for any purpose other than the purpose of determining, in any subsequent proceedings under this section, whether the person is a first offender. A person as to whom an order has been entered, upon request, shall be required to advise the court, in camera, of the previous conviction and expunction in any legal proceeding wherein the person has been called as a prospective juror. The court shall thereafter and before the selection of the jury advise the attorneys representing the parties of the previous conviction and expunction.

(4) Upon petition therefor, a justice, county, circuit or municipal court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case, or the person was found not guilty at trial.

(5) No public official is eligible for expunction under this section for any conviction related to his official duties.

SECTION 35. Section 47-7-49, Mississippi Code of 1972, is amended as follows:

47-7-49. (1) Any offender on probation, parole, earned-release supervision, post-release supervision, earned probation or any other offender under the field supervision of the Community Services Division of the department shall pay to the department the sum of Fifty-five Dollars ($55.00) per month by certified check or money order unless a hardship waiver is granted. An offender shall make the initial payment within * * * sixty (60) days after being released from imprisonment unless a hardship waiver is granted. A hardship waiver may be granted by the sentencing court or the Department of Corrections. A hardship waiver may not be granted for a period of time exceeding ninety (90) days. The commissioner or his designee shall deposit Fifty Dollars ($50.00) of each payment received into a special fund in the State Treasury, which is hereby created, to be known as the Community Service Revolving Fund. Expenditures from this fund shall be made for: (a) the establishment of restitution and satellite centers; and (b) the establishment, administration and operation of the department's Drug Identification Program and the intensive and field supervision program. The Fifty Dollars ($50.00) may be used for salaries and to purchase equipment, supplies and vehicles to be used by the Community Services Division in the performance of its duties. Expenditures for the purposes established in this section may be made from the fund upon requisition by the commissioner, or his designee.

Of the remaining amount, Three Dollars ($3.00) of each payment shall be deposited into the Crime Victims' Compensation Fund created in Section 99-41-29, and Two Dollars ($2.00) shall be deposited into the Training Revolving Fund created pursuant to Section 47-7-51. When a person is convicted of a felony in this state, in addition to any other sentence it may impose, the court may, in its discretion, order the offender to pay a state assessment not to exceed the greater of One Thousand Dollars ($1,000.00) or the maximum fine that may be imposed for the offense, into the Crime Victims' Compensation Fund created pursuant to Section 99-41-29.

Any federal funds made available to the department for training or for training facilities, equipment or services shall be deposited into the Correctional Training Revolving Fund created in Section 47-7-51. The funds deposited in this account shall be used to support an expansion of the department's training program to include the renovation of facilities for training purposes, purchase of equipment and contracting of training services with community colleges in the state.

No offender shall be required to make this payment for a period of time longer than ten (10) years.

(2) The offender may be imprisoned until the payments are made if the offender is financially able to make the payments and the court in the county where the offender resides so finds, subject to the limitations hereinafter set out. The offender shall not be imprisoned if the offender is financially unable to make the payments and so states to the court in writing, under oath, and the court so finds.

(3) This section shall stand repealed from and after June 30, 2022.

SECTION 36. Section 47-7-40, Mississippi Code of 1972, is amended as follows:

47-7-40. (1) The commissioner shall establish rules and regulations for implementing the earned-discharge program that allows offenders on probation and parole to reduce the period of supervision for complying with conditions of probation. The department shall have the authority to award earned-discharge credits to all offenders placed on probation, parole, or post-release supervision who are in compliance with the terms and conditions of supervision. An offender serving a Mississippi sentence for an eligible offense in any jurisdiction under the Interstate Compact for Adult Offender Supervision shall be eligible for earned-discharge credits under this section. Offenders shall not be denied earned-discharge credits solely based on nonpayment of fees or fines if a hardship waiver has been granted as provided in Section 47-7-49.

(2) For each full calendar month of compliance with the conditions of supervision, earned-discharge credits equal to the number of days in that month shall be deducted from the offender's sentence discharge date. Credits begin to accrue for eligible offenders after the first full calendar month of compliance supervision conditions. For the purposes of this section, an offender is deemed to be in compliance with the conditions of supervision if there was no violation of the conditions of supervision.

(3) No earned-discharge credits may accrue for a calendar month in which a violation report has been submitted, the offender has absconded from supervision, the offender is serving a term of imprisonment in a technical violation center, or for the months between the submission of the violation report and the final action on the violation report by the court or the board.

(4) Earned-discharge credits shall be applied to the sentence within thirty (30) days of the end of the month in which the credits were earned. At least every six (6) months, an offender who is serving a sentence eligible for earned-discharge credits shall be notified of the current sentence discharge date.

(5) Once the combination of time served on probation, parole or post-release supervision, and earned-discharge credits satisfy the term of probation, parole, or post-release supervision, the board or sentencing court shall order final discharge of the offender. No less than sixty (60) days prior to the date of final discharge, the department shall notify the sentencing court and the board of the impending discharge.

(6) The department shall provide semiannually to the Oversight Task Force the number and percentage of offenders who qualify for earned discharge in one or more months of the year and the average amount of credits earned within the year.

SECTION 37. Section 99-5-11, Mississippi Code of 1972, is amended as follows:

99-5-11. **All conservators of the peace may take recognizance or bond; certificate of default; alias warrant; when protection order registry must be checked; when bond not required.** (1) All justice court judges and all other conservators of the peace are authorized, whenever a person is brought before them charged with any offense not capital for which bail is allowed by law, to take the recognizance or bond of the person, with sufficient sureties, in such penalty as the justice court judge or conservator of the peace may require, for his appearance before the justice court judge or conservator of the peace for an examination of his case at some future day. And if the person thus recognized or thus giving bond fails to appear at the appointed time, it shall be the duty of the justice court judge or conservator of the peace to return the recognizance or bond, with his certificate of default, to the court having jurisdiction of the case, and a recovery may be had therein by scire facias, as in other cases of forfeiture. The justice court judge or other conservator of the peace shall also issue an alias warrant for the defaulter.

(2) In circumstances involving an offense against any of the following: (a) a current or former spouse of the accused or child of that person; (b) a person living as a spouse or who formerly lived as a spouse with the accused or a child of that person; (c) a parent, grandparent, child, grandchild or someone similarly situated to the accused; (d) a person who has a current or former dating relationship with the accused; or (e) a person with whom the accused has had a biological or legally adopted child, the justice court judge or other conservator of the peace shall check, or cause to be made a check, of the status of the person for whom recognizance or bond is taken before ordering bail in the Mississippi Protection Order Registry authorized under Section 93-21-25, and the existence of a domestic abuse protection order against the accused shall be considered when determining appropriate bail.

(3) After the court considers the provisions of subsection (2) of this section, a misdemeanant may be released on his or her own recognizance unless:

(a) The misdemeanant:

(i) Is on probation or parole;

(ii) Has other unresolved charges pending; or

(iii) Has a history of nonappearance; or

(b) The court finds that:

(i) The release of the misdemeanant would constitute a special danger to any other person or to the community; or

(ii) Release of the misdemeanant on his or her own recognizance is highly unlikely to assure the appearance of the misdemeanant as required.

SECTION 38. As provided in 21 USC Section 862a(d)(1), Mississippi opts out of the application of 21 USC Section 862a(a) to all individuals domiciled in the state.

SECTION 39. Section 21-23-7, Mississippi Code of 1972, is amended as follows:

21-23-7. (1) The municipal judge shall hold court in a public building designated by the governing authorities of the municipality and may hold court every day except Sundays and legal holidays if the business of the municipality so requires; provided, however, the municipal judge may hold court outside the boundaries of the municipality but not more than within a sixty-mile radius of the municipality to handle preliminary matters and criminal matters such as initial appearances and felony preliminary hearings. The municipal judge may hold court outside the boundaries of the municipality but not more than within a one-mile radius of the municipality for any purpose. The municipal judge shall have the jurisdiction to hear and determine, without a jury and without a record of the testimony, all cases charging violations of the municipal ordinances and state misdemeanor laws made offenses against the municipality and to punish offenders therefor as may be prescribed by law. Except as otherwise provided by law, criminal proceedings shall be brought by sworn complaint filed in the municipal court. Such complaint shall state the essential elements of the offense charged and the statute or ordinance relied upon. Such complaint shall not be required to conclude with a general averment that the offense is against the peace and dignity of the state or in violation of the ordinances of the municipality. He may sit as a committing court in all felonies committed within the municipality, and he shall have the power to bind over the accused to the grand jury or to appear before the proper court having jurisdiction to try the same, and to set the amount of bail or refuse bail and commit the accused to jail in cases not bailable. The municipal judge is a conservator of the peace within his municipality. He may conduct preliminary hearings in all violations of the criminal laws of this state occurring within the municipality, and any person arrested for a violation of law within the municipality may be brought before him for initial appearance. The municipal court shall have jurisdiction of any case remanded to it by a circuit court grand jury. The municipal court shall have civil jurisdiction over actions filed pursuant to and as provided in Title 93, Chapter 21, Mississippi Code of 1972, the Protection from Domestic Abuse Act.

(2) In the discretion of the court, where the objects of justice would be more likely met, as an alternative to imposition or payment of fine and/or incarceration, the municipal judge shall have the power to sentence convicted offenders to work on a public service project where the court has established such a program of public service by written guidelines filed with the clerk for public record. Such programs shall provide for reasonable supervision of the offender and the work shall be commensurate with the fine and/or incarceration that would have ordinarily been imposed. Such program of public service may be utilized in the implementation of the provisions of Section 99-19-20, and public service work thereunder may be supervised by persons other than the sheriff.

(3) The municipal judge may solemnize marriages, take oaths, affidavits and acknowledgments, and issue orders, subpoenas, summonses, citations, warrants for search and arrest upon a finding of probable cause, and other such process under seal of the court to any county or municipality, in a criminal case, to be executed by the lawful authority of the county or the municipality of the respondent, and enforce obedience thereto. The absence of a seal shall not invalidate the process.

(4) When a person shall be charged with an offense in municipal court punishable by confinement, the municipal judge, being satisfied that such person is an indigent person and is unable to employ counsel, may, in the discretion of the court, appoint counsel from the membership of The Mississippi Bar residing in his county who shall represent him. Compensation for appointed counsel in criminal cases shall be approved and allowed by the municipal judge and shall be paid by the municipality. The maximum compensation shall not exceed Two Hundred Dollars ($200.00) for any one (1) case. The governing authorities of a municipality may, in their discretion, appoint a public defender(s) who must be a licensed attorney and who shall receive a salary to be fixed by the governing authorities.

(5) The municipal judge of any municipality is hereby authorized to suspend the sentence and to suspend the execution of the sentence, or any part thereof, on such terms as may be imposed by the municipal judge. However, the suspension of imposition or execution of a sentence hereunder may not be revoked after a period of two (2) years. The municipal judge shall have the power to establish and operate a probation program, dispute resolution program and other practices or procedures appropriate to the judiciary and designed to aid in the administration of justice. Any such program shall be established by the court with written policies and procedures filed with the clerk of the court for public record. Subsequent to original sentencing, the municipal

judge, in misdemeanor cases, is hereby authorized to suspend sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the municipal judge, if (a) the judge or his or her predecessor was authorized to order such suspension when the sentence was originally imposed; and (b) such conviction (i) has not been appealed; or (ii) has been appealed and the appeal has been voluntarily dismissed.

(6) Upon prior notice to the municipal prosecuting attorney and upon a showing in open court of rehabilitation, good conduct for a period of two (2) years since the last conviction in any court and that the best interest of society would be served, the court may, in its discretion, order the record of conviction of a person of any or all misdemeanors in that court expunged, and upon so doing the said person thereafter legally stands as though he had never been convicted of the said misdemeanor(s) and may lawfully so respond to any query of prior convictions. This order of expunction does not apply to the confidential records of law enforcement agencies and has no effect on the driving record of a person maintained under Title 63, Mississippi Code of 1972, or any other provision of said Title 63.

(7) Notwithstanding the provisions of subsection (6) of this section, a person who was convicted in municipal court of a misdemeanor before reaching his twenty-third birthday, excluding conviction for a traffic violation, and who is a first offender,

may utilize the provisions of Section 99-19-71, to expunge such misdemeanor conviction.

(8) In the discretion of the court, a plea of nolo contendere may be entered to any charge in municipal court. Upon the entry of a plea of nolo contendere the court shall convict the defendant of the offense charged and shall proceed to sentence the defendant according to law. The judgment of the court shall reflect that the conviction was on a plea of nolo contendere. An appeal may be made from a conviction on a plea of nolo contendere as in other cases.

(9) Upon execution of a sworn complaint charging a misdemeanor, the municipal court may, in its discretion and in lieu of an arrest warrant, issue a citation requiring the appearance of the defendant to answer the charge made against him. On default of appearance, an arrest warrant may be issued for the defendant. The clerk of the court or deputy clerk may issue such citations.

(10) The municipal court shall have the power to make rules for the administration of the court's business, which rules, if any, shall be in writing filed with the clerk of the court and shall include the enactment of rules related to the court's authority to issue domestic abuse protection orders pursuant to Section 93-21-1 et seq.

(11) The municipal court shall have the power to impose punishment of a fine of not more than One Thousand Dollars

($1,000.00) or six (6) months imprisonment, or both, for contempt of court. The municipal court may have the power to impose reasonable costs of court, not in excess of the following:

Dismissal of any affidavit, complaint or charge in municipal court	$ 50.00
Suspension of a minor's driver's license in lieu of conviction	$ 50.00
Service of scire facias or return "not found"	$ 20.00
Causing search warrant to issue or causing prosecution without reasonable cause or refusing to cooperate after initiating action	$ 100.00
Certified copy of the court record	$ 5.00
Service of arrest warrant for failure to answer citation or traffic summons	$ 25.00
Jail cost per day - actual jail cost paid by the municipality but not to exceed	$ 35.00
Service of court documents related to the filing of a petition or issuance of a protection from domestic abuse order under Title 93, Chapter 21, Mississippi Code of 1972	$ 25.00
Any other item of court cost	$ 50.00

No filing fee or such cost shall be imposed for the bringing of an action in municipal court.

(12) A municipal court judge shall not dismiss a criminal case but may transfer the case to the justice court of the county

if the municipal court judge is prohibited from presiding over the case by the Canons of Judicial Conduct and provided that venue and jurisdiction are proper in the justice court. Upon transfer of any such case, the municipal court judge shall give the municipal court clerk a written order to transmit the affidavit or complaint and all other records and evidence in the court's possession to the justice court by certified mail or to instruct the arresting officer to deliver such documents and records to the justice court. There shall be no court costs charged for the transfer of the case to the justice court.

(13) A municipal court judge shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped * * *, there was no disposition of such case or the person was found not guilty at trial.

SECTION 40. Section 43-21-159, Mississippi Code of 1972, is amended as follows:

43-21-159. (1) When a person appears before a court other than the youth court, and it is determined that the person is a child under jurisdiction of the youth court, such court shall, unless the jurisdiction of the offense has been transferred to such court as provided in this chapter, or unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult and was convicted, immediately dismiss the proceeding without prejudice and forward all documents pertaining to the cause to the youth court; and all entries in permanent records shall be expunged. The youth court shall have the power to order and supervise the expunction or the destruction of such records in accordance with Section 43-21-265. Upon petition therefor, the youth court shall expunge the record of any case within its jurisdiction in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped * * *, there was no disposition of such case, or the person was found not delinquent.

In cases where the child is charged with a hunting or fishing violation or a traffic violation, whether it be any state or federal law, a violation of the Mississippi Implied Consent Law, or municipal ordinance or county resolution, or where the child is charged with a violation of Section 67-3-70, the appropriate criminal court shall proceed to dispose of the same in the same manner as for other adult offenders and it shall not be necessary to transfer the case to the youth court of the county. However, unless the cause has been transferred, or unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult and was convicted, the youth court shall have power on its own motion to remove jurisdiction from any criminal court of any offense including a hunting or fishing violation, a traffic violation, a violation of the Mississippi Implied Consent Law, or a violation of Section 67-3-70, committed by a child in a matter under the jurisdiction of the youth court and proceed therewith in accordance with the provisions of this chapter.

(2) After conviction and sentence of any child by any other court having original jurisdiction on a misdemeanor charge, and within the time allowed for an appeal of such conviction and sentence, the youth court of the county shall have the full power to stay the execution of the sentence and to release the child on good behavior or on other order as the youth court may see fit to make unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult and was convicted. When a child is convicted of a misdemeanor and is committed to, incarcerated in or imprisoned in a jail or other place of detention by a criminal court having proper jurisdiction of such charge, such court shall notify the youth court judge or the judge's designee of the conviction and sentence prior to the commencement of such incarceration. The youth court shall have the power to order and supervise the destruction of any records involving children maintained by the criminal court in accordance with Section 43-21-265. However, the youth court shall have the power to set aside a judgment of any other court rendered in any matter over which the youth court has exclusive original jurisdiction, to expunge or destroy the records thereof in accordance with Section 43-21-265, and to order a refund of fines and costs.

(3) Nothing in subsection (1) or (2) shall apply to a youth who has a pending charge or a conviction for any crime over which circuit court has original jurisdiction.

(4) In any case wherein the defendant is a child as defined in this chapter and of which the circuit court has original jurisdiction, the circuit judge, upon a finding that it would be in the best interest of such child and in the interest of justice, may at any stage of the proceedings prior to the attachment of jeopardy transfer such proceedings to the youth court for further proceedings unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult and was convicted or has previously been convicted of a crime which was in original circuit court jurisdiction, and the youth court shall, upon acquiring jurisdiction, proceed as provided in this chapter for the adjudication and disposition of delinquent child proceeding proceedings. If the case is not transferred to the youth court and the youth is convicted of a crime by any circuit court, the trial judge shall sentence the youth as though such youth was an adult. The circuit court shall not have the authority to commit such child to the custody of the Department of Youth Services for placement in a state-supported training school.

(5) In no event shall a court sentence an offender over the age of eighteen (18) to the custody of the Division of Youth Services for placement in a state-supported training school.

(6) When a child's driver's license is suspended by the youth court for any reason, the clerk of the youth court shall report the suspension, without a court order under Section 43-21-261, to the Commissioner of Public Safety in the same manner as such suspensions are reported in cases involving adults.

(7) No offense involving the use or possession of a firearm by a child who has reached his fifteenth birthday and which, if committed by an adult would be a felony, shall be transferred to the youth court.

SECTION 41. Section 99-15-26, Mississippi Code of 1972, is amended as follows:

99-15-26. (1) (a) In all criminal cases, felony and misdemeanor, other than crimes against the person, a crime of violence as defined in Section 97-3-2 or a violation of Section 97-11-31, the circuit or county court shall be empowered, upon the entry of a plea of guilty by a criminal defendant made on or after July 1, 2014, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section.

(b) In all misdemeanor criminal cases, other than crimes against the person, the justice or municipal court shall be empowered, upon the entry of a plea of guilty by a criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section.

(c) Notwithstanding paragraph (a) of this subsection (1), in all criminal cases charging a misdemeanor of domestic violence as defined in Section 99-3-7(5), a circuit, county, justice or municipal court shall be empowered, upon the entry of a plea of guilty by the criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section.

(d) No person having previously qualified under the provisions of this section shall be eligible to qualify for release in accordance with this section for a repeat offense. A person shall not be eligible to qualify for release in accordance with this section if charged with the offense of trafficking of a controlled substance as provided in Section 41-29-139(f) or if charged with an offense under the Mississippi Implied Consent Law. Violations under the Mississippi Implied Consent Law can only be nonadjudicated under the provisions of Section 63-11-30.

(2) (a) Conditions which the circuit, county, justice or municipal court may impose under subsection (1) of this section shall consist of:

(i) Reasonable restitution to the victim of the crime.

(ii) Performance of not more than nine hundred sixty (960) hours of public service work approved by the court.

(iii) Payment of a fine not to exceed the statutory limit.

(iv) Successful completion of drug, alcohol, psychological or psychiatric treatment, successful completion of a program designed to bring about the cessation of domestic abuse, or any combination thereof, if the court deems treatment necessary.

(v) The circuit or county court, in its discretion, may require the defendant to remain in the program subject to good behavior for a period of time not to exceed five (5) years. The justice or municipal court, in its discretion, may require the defendant to remain in the program subject to good behavior for a period of time not to exceed two (2) years.

(b) Conditions which the circuit or county court may impose under subsection (1) of this section also include successful completion of an effective evidence-based program or a properly controlled pilot study designed to contribute to the evidence-based research literature on programs targeted at reducing recidivism. Such program or pilot study may be community based or institutionally based and should address risk factors identified in a formal assessment of the offender's risks and needs.

(3) When the court has imposed upon the defendant the conditions set out in this section, the court shall release the bail bond, if any.

(4) Upon successful completion of the court-imposed conditions permitted by subsection (2) of this section, the court shall direct that the cause be dismissed and the case be closed.

(5) Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped * * *, there was no disposition of such case, or the person was found not guilty at trial.

SECTION 42. Section 99-15-57, Mississippi Code of 1972, is amended as follows:

99-15-57. (1) Any person who pled guilty within six (6) months prior to March 31, 1983, and who would have otherwise been eligible for the relief allowed in Section 99-15-26, may apply to the court in which such person was sentenced for an order to expunge from all official public records all recordation relating to his arrest, indictment, trial, finding of guilty and sentence. If the court determines, after hearing, that such person has satisfactorily served his sentence or period of probation and parole, pled guilty within six (6) months prior to March 31, 1983, and would have otherwise been eligible for the relief allowed in Section 99-15-26, it may enter such order. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, or indictment or trial in response to any inquiry made of him for any purpose.

(2) Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped *** * ***, there was no disposition of such case, or the person was found not guilty at trial.

SECTION 43. Section 32 of this act shall take effect and be in force from and after October 15, 2019, and the remainder of this act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2012

Description: Lien for burn care; delete repeal clause.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

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 1  01/08   (S) Referred To Public Health and Welfare
 2  01/29   (S) Title Suff Do Pass
 3  02/07   (S) Passed {Vote}
 4  02/08   (S) Transmitted To House
 5  02/19   (H) Referred To Public Health and Human
                Services
 6  02/27   (H) Title Suff Do Pass
 7  03/11   (H) Passed {Vote}
 8  03/12   (H) Returned For Enrolling
 9  03/21   (S) Enrolled Bill Signed
10  03/21   (H) Enrolled Bill Signed
11  03/28   Approved by Governor
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Code Section: R 085-0007-0301, R 085-0007-0303, R 085-0007-0305, R 085-0007-0307, R 085-0007-0309, R 085-0007-0311, R 085-0007-0313, R 085-0007-0315, RP 085-0007-0317

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: Kirby

Title: AN ACT TO REENACT SECTIONS 85-7-301, 85-7-303, 85-7-305, 85-7-307, 85-7-309, 85-7-311, 85-7-313 AND 85-7-315, MISSISSIPPI CODE OF 1972, WHICH SECTIONS CONSTITUTE ARTICLE 19 OF CHAPTER 7, TITLE 85, MISSISSIPPI CODE OF 1972, AND CREATE A LIEN ON CAUSES OF ACTION ACCRUING TO CERTAIN INJURED PERSONS FOR UNCOMPENSATED TRAUMATIC BURN CARE; TO REPEAL SECTION 85-7-317, MISSISSIPPI CODE OF 1972, WHICH IS A SUNSET PROVISION FOR SECTIONS 85-7-301 THROUGH 85-7-315; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Kirby

To: Public Health and Welfare

SENATE BILL NO. 2012

AN ACT TO REENACT SECTIONS 85-7-301, 85-7-303, 85-7-305, 85-7-307, 85-7-309, 85-7-311, 85-7-313 AND 85-7-315, MISSISSIPPI CODE OF 1972, WHICH SECTIONS CONSTITUTE ARTICLE 19 OF CHAPTER 7, TITLE 85, MISSISSIPPI CODE OF 1972, AND CREATE A LIEN ON CAUSES OF ACTION ACCRUING TO CERTAIN INJURED PERSONS FOR UNCOMPENSATED TRAUMATIC BURN CARE; TO REPEAL SECTION 85-7-317, MISSISSIPPI CODE OF 1972, WHICH IS A SUNSET PROVISION FOR SECTIONS 85-7-301 THROUGH 85-7-315; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 85-7-301, Mississippi Code of 1972, is reenacted as follows:

85-7-301. (1) Except where the context otherwise requires in subsection (2) of this section, as used in Sections 85-7-301 through 85-7-315, the term:

(a) "Qualifying hospital" means any hospital designated as a burn center by the State Department of Health.

(b) "Qualifying practice" means any physician practice that provides care, treatment or services to a patient who has been admitted to a qualifying hospital.

(c) "Care, treatment or services" means burn care or burn-related treatment, or services furnished by a qualifying hospital or qualifying practice.

(d) "Uncompensated traumatic burn care" means any portion of care, treatment or services rendered by a qualifying hospital or qualifying practice with respect to a patient whose burn care, treatment or services arose out of a single accident or occurrence for which the qualifying hospital or qualifying practice did not receive payment.

(2) Any person, firm, authority or corporation operating a qualifying hospital or qualifying practice providing traumatic burn care in this state shall have a lien for the reasonable charges for care, treatment or services of an injured person for uncompensated traumatic burn care, which lien shall be only upon any and all causes of action accruing to the person to whom the care was furnished or to the legal representative of the person on account of injuries that gave rise to the causes of action and that necessitated the care, treatment or services, subject and subordinate, however, to any attorney's lien or fees. The lien provided for in this subsection is only a lien against those causes of action and shall not be a lien against the injured person, the legal representative, or any other property or assets of those persons and shall not be evidence of the person's failure to pay a debt. This subsection shall not be construed to interfere with the exemption from Sections 85-7-301 through

85-7-315 provided by Section 85-7-309, nor shall this subsection prohibit an injured person or his legal representative from negotiating with a qualifying hospital or practice.

SECTION 2. Section 85-7-303, Mississippi Code of 1972, is reenacted as follows:

85-7-303. (1) In order to perfect the lien provided for in Section 85-7-301, the operator of the qualifying hospital or qualifying practice:

(a) Shall, not less than fifteen (15) days before the date of filing the statement required under paragraph (b) of this subsection, provide written notice to the patient and the legal representative of the patient, if applicable, and, to the best of the operator's knowledge, the persons, firms, corporations and their insurers claimed by the injured person or the legal representative of the injured person to be liable for damages arising from the injuries and shall include in the notice a statement that the lien is not a lien against the patient or any other property or assets of the patient and is not evidence of the patient's failure to pay a debt. The notice shall be sent to all those persons and entities by first-class and certified mail or statutory overnight delivery, return receipt requested; and

(b) Shall file in the office of the clerk of the chancery court of the county in which the qualifying hospital or qualifying practice is located and in the county in which the patient resides, if a resident of this state, a verified statement setting forth the name and address of the patient as it appears on the records of the qualifying hospital or qualifying practice; the name and location of the qualifying hospital or qualifying practice, and the name and address of the operator thereof; the dates of admission and discharge of the patient from the qualifying hospital, or with respect to a qualifying practice, the dates of treatment; the amount claimed to be due for the qualifying hospital or qualifying practice; and certification that the amount claimed is for treatment of uncompensated traumatic burn care, which statement must be filed within the following time period:

(i) If the statement is filed by a qualifying hospital, then the statement shall be filed within seventy-five (75) days after the person has been discharged from the facility; or

(ii) If the statement is filed by a qualifying practice, then the statement shall be filed within ninety (90) days after the person first sought treatment from the practice for the injury.

(2) The filing of the claim or lien shall be notice thereof to all persons, firms or corporations liable for the damages, whether or not they received the written notice provided for in this section. The failure to perfect the lien by timely complying with the notice and filing provisions of subsection (1) of this section shall invalidate the lien, except as to any person, firm,

or corporation liable for the damages, which receives before the date of any release, covenant not to bring an action, or settlement, actual notice of a notice and filed statement made under subsection (1) of this section, via hand delivery, certified mail, return receipt requested, or statutory overnight delivery with confirmation of receipt.

SECTION 3. Section 85-7-305, Mississippi Code of 1972, is reenacted as follows:

85-7-305. The clerk of the chancery court shall endorse the date and hour of filing on the statement filed under Section 85-7-303; and, at the expense of the county, the clerk shall provide a lien book with a proper index in which the clerk shall enter the date and hour of the filing; the names and addresses of the qualifying hospital or qualifying practice, the operators thereof, and the patient; and the amount claimed. The information shall be recorded in the name of the patient.

SECTION 4. Section 85-7-307, Mississippi Code of 1972, is reenacted as follows:

85-7-307. (1) No release of the cause or causes of action or of any judgment thereon or any covenant not to bring an action thereon shall be valid or effectual against the lien created by Section 85-7-301 unless the holder thereof is given notification of the results of the cause of action or executes a release of the lien; and the injured party (the "claimant") or an assignee of the lien holder may enforce the lien by an action against the person, firm or corporation liable for the damages or the person, firm or corporation's insurer. If the claimant prevails in the action and if the claimant's balance of the award is insufficient to cover the medical liens, the court may determine pro rata compensation in favor of the claimant. In no case shall the payment towards the liens exceed fifty percent (50%) of the claimant's balance. Any qualifying hospital or qualifying practice that receives payments under the authority of Sections 85-7-301 through 85-7-315 shall release the claimant from any further liens for the cost of hospital care, treatment or services provided for which the lien was placed. The action shall be begun against the person liable for the damages or the person's insurer within one (1) year after the date the liability is finally determined by a settlement, by a release, by a covenant not to bring an action, or by the judgment of a court of competent jurisdiction.

(2) No release or covenant not to bring an action that is made before or after the patient was discharged from the qualifying hospital or qualifying practice shall be effective against the lien perfected in accordance with Section 85-7-303, if the lien is perfected before the date of the release, covenant not to bring an action, or settlement unless notification is given to the qualifying hospital or qualifying practice; however, any person, firm or corporation that consummates a settlement, release or covenant not to bring an action with the person to whom care, treatment or services were furnished and that first procures from

the injured party an affidavit as prescribed in subsection (3) of this section shall not be bound or otherwise affected by the lien except as provided in subsection (3) of this section, regardless of when the settlement, release or covenant not to bring an action was consummated.

(3) The affidavit shall affirm:

(a) That all bills incurred for treatment for the injuries for which a settlement is made have been fully paid or resolved; and

(b) The county of residence of the affiant, if a resident of this state; however, the person taking the affidavit shall not be protected thereby where the affidavit alleges the county of the affiant's residence and the lien of the qualifying hospital or qualifying practice is at that time on file in the office of the chancery clerk and is recorded in the name of the patient as it appears in the affidavit.

SECTION 5. Section 85-7-309, Mississippi Code of 1972, is reenacted as follows:

85-7-309. Sections 85-7-301 through 85-7-315 shall not apply to:

(a) A cause of action filed by a person who received care, treatment or services from a qualifying hospital or a qualifying practice whose medical costs were paid by the Centers for Medicare and Medicaid Services.

(b) Any monies becoming due under the Workers' Compensation Law.

SECTION 6. Section 85-7-311, Mississippi Code of 1972, is reenacted as follows:

85-7-311. No settlement or release entered into or executed before the entry of the injured party into the qualifying hospital shall be affected by or subject to the terms of Sections 85-7-301 through 85-7-315.

SECTION 7. Section 85-7-313, Mississippi Code of 1972, is reenacted as follows:

85-7-313. Sections 85-7-301 through 85-7-315 shall not be construed to give any qualifying hospital or qualifying practice an independent right of action to determine liability for injuries sustained by a person or firm.

SECTION 8. Section 85-7-315, Mississippi Code of 1972, is reenacted as follows:

85-7-315. Any person who gives any false affidavit as provided by Section 85-7-307 commits the offense of perjury.

SECTION 9. Section 85-7-317, Mississippi Code of 1972, which is a sunset provision for Sections 85-7-301 through 8-7-315, which sections constitute Article 19 of Chapter 7, Title 85, Mississippi Code of 1972, and create a lien in favor of providers of burn care, is repealed.

SECTION 10. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2049

Description: College tuition; spouses and children of U.S. Armed Forces members may keep in-state residency classification throughout enrollment.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

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 1  01/08   (S) Referred To Universities and Colleges
 2  01/30   (S) Title Suff Do Pass Comm Sub
 3  02/12   (S) Committee Substitute Adopted
 4  02/12   (S) Passed {Vote}
 5  02/13   (S) Transmitted To House
 6  02/19   (H) Referred To Universities and Colleges
 7  02/27   (H) Title Suff Do Pass
 8  03/12   (H) Passed {Vote}
 9  03/13   (H) Returned For Enrolling
10  03/22   (S) Enrolled Bill Signed
11  03/25   (H) Enrolled Bill Signed
12  03/29  Approved by Governor
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Code Section: A 037-0103-0019

----- Additional Information -----

Senate Committee: Universities and Colleges
House Committee: Universities and Colleges

Principal Author: Younger
Additional Authors: Jackson (15th), McDaniel, Hill, Dearing, Jordan, Watson, Jackson (32nd), Jackson (11th)

Title: AN ACT TO AMEND SECTION 37-103-19, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SPOUSE OR CHILD OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES STATIONED IN MISSISSIPPI SHALL BE DEEMED AN IN-STATE RESIDENT FOR PURPOSES OF DETERMINING TUITION AT STATE INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY COLLEGES; TO PROVIDE THAT SUCH SPOUSE OR CHILD MAY CONTINUE TO BE DESIGNATED AS AN IN-STATE RESIDENT IF HE OR SHE MAINTAINS

CONTINUOUS ENROLLMENT IN GOOD STANDING; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Younger, Jackson (15th), McDaniel, Hill, Dearing, Jordan, Watson, Jackson (32nd), Jackson (11th)

To: Universities and Colleges

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2049

AN ACT TO AMEND SECTION 37-103-19, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SPOUSE OR CHILD OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES STATIONED IN MISSISSIPPI SHALL BE DEEMED AN IN-STATE RESIDENT FOR PURPOSES OF DETERMINING TUITION AT STATE INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY COLLEGES; TO PROVIDE THAT SUCH SPOUSE OR CHILD MAY CONTINUE TO BE DESIGNATED AS AN IN-STATE RESIDENT IF HE OR SHE MAINTAINS CONTINUOUS ENROLLMENT IN GOOD STANDING; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-103-19, Mississippi Code of 1972, is amended as follows:

37-103-19. (1) Resident status of a spouse or child of a member of the Armed Forces of the United States on extended active duty shall be that of the military spouse or parent for the purpose of attending state-supported institutions of higher learning and community/junior colleges of the State of Mississippi during the time that the military spouse or parent is stationed within the State of Mississippi and shall be continued through the time that the military spouse or parent is stationed in an overseas area with last duty assignment within the State of Mississippi, excepting temporary training assignments en route from Mississippi. Resident status of a spouse or minor child terminates upon reassignment under Permanent Change of Station Orders of the military spouse or parent for duty in the continental United States outside the State of Mississippi, excepting temporary training assignments en route from Mississippi * * *. However, except for spouses who enroll at a professional school or college, spouses or children of members of the Armed Forces who attain Mississippi residency in accordance with the * * * provisions * * * of this subsection and who enroll full time in a Mississippi institution of higher learning or community/junior college * * * shall maintain their residency status so long as they remain enrolled * * * in good standing at a Mississippi institution of higher learning or community/junior college. Enrollment during summer school is not required to maintain such resident status.

(2) The spouse or child of a member of the Armed Forces of the United States who dies or is killed is entitled to pay the resident tuition fee if the spouse or child becomes a resident of Mississippi within one hundred eighty (180) days of the date of death.

(3) If a member of the Armed Forces of the United States is stationed outside Mississippi and the member's spouse or child establishes residence in Mississippi and registers with the Mississippi institution of higher learning or community/junior college at which the spouse or child plans to attend, the

institution of higher education or community/junior college shall permit the spouse or child to pay the tuition, fees and other charges provided for Mississippi residents without regard to length of time that the spouse or child has resided in Mississippi.

(4) A member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States who is entitled to pay tuition and fees at the rate provided for Mississippi residents under another provision of this section * * * shall maintain resident classification for tuition and fee purposes as long as he or she is continuously enrolled * * * at a Mississippi institution of higher learning or community/junior college. A student may withdraw or may choose not to reenroll for no more than one (1) semester or term while pursuing a degree or certificate without losing resident status only if that student provides sufficient documentation by a physician that the student has a medical condition that requires withdrawal or nonenrollment. For purposes of this subsection, a person is not required to enroll in a summer term to remain continuously enrolled in a degree or certificate program. The person's eligibility to pay tuition and fees at the rate provided for Mississippi residents under this subsection does not terminate because the person is no longer a member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2053

Description: Institutions of higher learning/community colleges; require the award of educational credits for military training or service.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/08	(S)	Referred To Universities and Colleges
2	01/30	(S)	Title Suff Do Pass Comm Sub
3	02/12	(S)	Committee Substitute Adopted
4	02/12	(S)	Passed {Vote}
5	02/13	(S)	Transmitted To House
6	02/19	(H)	Referred To Universities and Colleges
7	02/27	(H)	Title Suff Do Pass
8	03/12	(H)	Passed {Vote}
9	03/13	(H)	Returned For Enrolling
10	03/21	(S)	Enrolled Bill Signed
11	03/21	(H)	Enrolled Bill Signed
12	03/28		Approved by Governor

----- Additional Information -----

Senate Committee: Universities and Colleges
House Committee: Universities and Colleges

Principal Author: Younger
Additional Authors: McDaniel, Massey, Dearing, Jordan, Simmons (12th), Jackson (32nd), Jackson (11th)

Title: AN ACT TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO ADOPT POLICIES REQUIRING THE AWARD OF EDUCATIONAL CREDITS FOR COURSES THAT ARE PART OF A STUDENT'S MILITARY TRAINING OR SERVICE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2019

By: Senator(s) Younger, McDaniel, Massey, Dearing, Jordan, Simmons (12th), Jackson (32nd), Jackson (11th)

To: Universities and Colleges

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2053

AN ACT TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO ADOPT POLICIES REQUIRING THE AWARD OF EDUCATIONAL CREDITS FOR COURSES THAT ARE PART OF A STUDENT'S MILITARY TRAINING OR SERVICE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community and junior colleges shall adopt policies requiring the award of educational credits to any student who is enrolled in a public institution of higher learning, community or junior college, and is also a veteran, for courses that are part of the student's military training or service, that meet the standards of the American Council on Education or equivalent standards for awarding academic credit, and that are determined by the academic department or appropriate faculty of the awarding institution to be equivalent in content or experience to courses at that institution. Credits shall be awarded in accordance with Southern

Association of Colleges and Schools Commission on Colleges standards.

(2) Each board shall adopt the necessary rules, regulations and procedures to implement the provisions of this act, effective no later than the 2020-2021 academic year and continuing thereafter.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2272

Description: Mississippi Development Authority; revise reimbursement procedure to allow across funds and administered programs.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: ** See Text

History of Actions:

1	01/21	(S)	Referred To Finance
2	01/31	(S)	Title Suff Do Pass
3	02/07	(S)	Passed {Vote}
4	02/08	(S)	Transmitted To House
5	02/19	(H)	Referred To Ways and Means
6	03/05	(H)	Title Suff Do Pass As Amended
7	03/07	(H)	Amended
8	03/07	(H)	Passed As Amended {Vote}
9	03/11	(H)	Returned For Concurrence
10	03/21	(S)	Decline to Concur/Invite Conf
11	03/22	(S)	Conferees Named Fillingane,Kirby,Polk
12	03/25	(H)	Conferees Named Smith,Lamar,Byrd
13	03/27	(H)	Conference Report Filed
14	03/27	(S)	Conference Report Filed
15	03/28	(H)	Conference Report Adopted {Vote}
16	03/28	(S)	Conference Report Adopted {Vote}
17	04/02	(S)	Enrolled Bill Signed
18	04/02	(H)	Enrolled Bill Signed
19	04/12		Approved by Governor

Amendments:
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2272
Conference Reports:
| Conference Report

Code Section: A 057-0001-0016, A 057-0001-0018, A 057-0001-0221, A 057-0001-0421, A 057-0001-0601, A 057-0001-0701, A 057-0046-0001, A 057-0061-0025, A 057-0085-0005, A 057-0093-0001, A 057-0095-0001, A 057-0111-0001, A 065-0004-0015

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Fillingane

Title: AN ACT TO AMEND SECTIONS 57-1-16, 57-1-18, 57-1-221, 57-1-421, 57-1-601, 57-1-701 (AS AMENDED BY SECTION 2, HOUSE BILL NO. 1427, 2019 REGULAR SESSION), 57-46-1, 57-61-25 (AS AMENDED BY SECTION 4, HOUSE BILL NO. 1427, 2019 REGULAR SESSION), 57-85-5, 57-93-1, 57-95-1, 57-111-1 AND 65-4-15, MISSISSIPPI CODE OF 1972, TO REVISE THE PROCEDURE BY WHICH UP TO 3% OF BOND PROCEEDS IN VARIOUS FUNDS MAY BE USED TO REIMBURSE THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR COSTS INCURRED IN THE ADMINISTRATION OF VARIOUS GRANT, LOAN AND FINANCIAL INCENTIVE PROGRAMS, TO ALLOW THE MISSISSIPPI DEVELOPMENT AUTHORITY TO APPLY THE PROCEEDS FOR REIMBURSEMENT ACROSS FUNDS AND PROGRAMS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Fillingane To: Finance

SENATE BILL NO. 2272
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 57-1-16, 57-1-18, 57-1-221, 57-1-421, 57-1-601, 57-1-701 (AS AMENDED BY SECTION 2, HOUSE BILL NO. 1427, 2019 REGULAR SESSION), 57-46-1, 57-61-25 (AS AMENDED BY SECTION 4, HOUSE BILL NO. 1427, 2019 REGULAR SESSION), 57-85-5, 57-93-1, 57-95-1, 57-111-1 AND 65-4-15, MISSISSIPPI CODE OF 1972, TO REVISE THE PROCEDURE BY WHICH UP TO 3% OF BOND PROCEEDS IN VARIOUS FUNDS MAY BE USED TO REIMBURSE THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR COSTS INCURRED IN THE ADMINISTRATION OF VARIOUS GRANT, LOAN AND FINANCIAL INCENTIVE PROGRAMS, TO ALLOW THE MISSISSIPPI DEVELOPMENT AUTHORITY TO APPLY THE PROCEEDS FOR REIMBURSEMENT ACROSS FUNDS AND PROGRAMS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-1-16, Mississippi Code of 1972, is amended as follows:

57-1-16. (1) As used in this section:

(a) "Extraordinary economic development opportunity" means a new or expanded business or industry which maintains a strong financial condition and minimal credit risk and creates substantial employment, particularly in areas of high unemployment.

(b) "Local economic development entities" means state institutions of higher learning or public or private nonprofit local economic development entities including, but not limited to, chambers of commerce, local authorities, commissions or other entities created by local and private legislation or districts created pursuant to Section 19-5-99.

(c) "MDA" means the Mississippi Development Authority.

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the ACE Fund, which shall consist of money from any public or private source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. The purpose of the fund shall be to assist in maximizing extraordinary economic development opportunities related to any new or expanded business or industry or to assist a local unit of government as authorized in subsection (5) of this section. Such funds may be used to make grants to local economic development entities to assist any new or expanding business or industry that meets the criteria provided in this section when such assistance aids the consummation of a project within the State of Mississippi, or to make grants to a local unit of government as authorized in subsection (5) of this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA * * * for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by the MDA. Reimbursement of reasonable actual and necessary costs * * * shall not exceed three percent (3%) of the proceeds of bonds issued * * *. * * * Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a grant program to make grants from the ACE Fund created under this section. Local economic development entities may apply to the MDA for a grant under this section in the manner provided for in subsection (4) of this section. Local units of government may apply to the MDA for a grant under this section in the manner provided in subsection (5) of this section.

(4) (a) Any business or industry desiring assistance from a local economic development entity under this section shall submit an application to the local economic development entity which shall include, at a minimum:

(i) Evidence that the business or industry meets the definition of an extraordinary economic development opportunity;

(ii) A demonstration that the business or industry is at an economic disadvantage by locating the new or expanded project in the county;

(iii) A description, including the cost, of the requested assistance;

(iv) A description of the purpose for which the assistance is requested;

(v) A two-year business plan;

(vi) Financial statements or tax returns for the three (3) years immediately prior to the application;

(vii) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the business or industry; and

(viii) Any other information required by the MDA.

(b) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(c) Upon receipt of the application from a business or industry, the local economic development entity may apply to the MDA for assistance under this section. Such application must contain evidence that the business or industry meets the definition of an extraordinary economic development opportunity, a demonstration that the business or industry is at an economic disadvantage by locating the new or expanded project in the county, a description, including the cost, of the requested assistance, and a statement of what efforts have been made or are being made by the business or industry for securing or qualifying for other local, state, federal or private funds for the project.

(d) The MDA shall have sole discretion in the awarding of ACE funds, provided that the business or industry and the local economic development entity have met the statutory requirements of this section. However, in making grants under this section, the MDA shall attempt to provide for an equitable distribution of such grants among each of the congressional districts of this state in order to promote economic development across the entire state.

(5) (a) The MDA may make grants to local units of government to assist the local unit of government in purchasing real property for the benefit of an existing industry that commits to maintain a minimum of one thousand three hundred (1,300) jobs for a minimum of ten (10) years after the date the grant is made.

(b) Any local unit of government seeking a grant authorized under this subsection shall apply to MDA. The application shall contain such information as the MDA may require.

(c) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this subsection and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(6) The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of this section. However, before the implementation of any such rules and regulations, they shall be submitted to a committee consisting of five (5) members of the Senate Finance Committee and five (5) members of the House of Representatives Ways and Means Committee, appointed by the respective committee chairmen.

SECTION 2. Section 57-1-18, Mississippi Code of 1972, is amended as follows:

57-1-18. (1) For the purposes of this section, the following terms shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Limited population county" means a county in the State of Mississippi with a population of thirty thousand (30,000) or less according to the most recent federal decennial census at the time the county submits its application to the MDA under this section.

(b) "MDA" means the Mississippi Development Authority.

(c) "Project" means highways, streets and other roadways, bridges, sidewalks, utilities, airfields, airports, acquisition of equipment, acquisition of real property, development of real property, improvements to real property, and any other project approved by the MDA.

(d) "Small municipality" means a municipality in the State of Mississippi with a population of ten thousand (10,000) or less according to the most recent federal decennial census at the time the municipality submits its application to the MDA under this section. The term "small municipality" also includes a municipal historical hamlet as defined in Section 17-27-5.

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the "Small Municipalities and Limited Population Counties Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used to make grants to small municipalities and limited population counties or natural gas districts created by law and contained therein to assist in completing projects under this section.

(b) Monies in the fund which are derived from proceeds of bonds issued under Sections 1 through 16 of Chapter 538, Laws of 2002, Sections 1 through 16 of Chapter 508, Laws of 2003, Sections 55 through 70 of Chapter 1, Laws of 2004 Third

Extraordinary Session, Sections 1 through 16 of Chapter 482, Laws of 2006, Section 15 of Chapter 580, Laws of 2007, Section 1 of Chapter 503, Laws of 2008, Section 42 of Chapter 557, Laws of 2009, Section 38 of Chapter 533, Laws of 2010, Section 41 of Chapter 480, Laws of 2011, Section 30 of Chapter 569, Laws of 2013, Section 4 of Chapter 530, Laws of 2014, Section 11 of Chapter 472, Laws of 2015, Section 19 of Chapter 511, Laws of 2016, or Section 5 of Chapter 452, Laws of 2018, may be used to reimburse reasonable actual and necessary costs incurred by the MDA * * * for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by the MDA. Reimbursement of reasonable actual and necessary costs * * * shall not exceed three percent (3%) of the proceeds of bonds issued * * *. * * * Reimbursements under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a grant program to make grants to small municipalities and limited population counties from the Small Municipalities and Limited Population Counties Fund. Grants made under this section to a small municipality or a limited population county shall not exceed Two Hundred Fifty Thousand Dollars ($250,000.00) during any grant period established by the MDA. A small municipality or limited population county may apply

to the MDA for a grant under this section in the manner provided for in this section.

(4) A small municipality or limited population county desiring assistance under this section must submit an application to the MDA. The application must include a description of the project for which assistance is requested, the cost of the project for which assistance is requested, the amount of assistance requested and any other information required by the MDA.

(5) The MDA shall have all powers necessary to implement and administer the program established under this section, and the department shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

(6) The MDA shall file an annual report with the Governor, the Secretary of the Senate and the Clerk of the House of Representatives not later than December 1 of each year, describing all assistance provided under this section.

SECTION 3. Section 57-1-221, Mississippi Code of 1972, is amended as follows:

57-1-221. (1) As used in this section:

(a) "Approved business enterprise" means any project that:

(i) Locates or expands in this state and creates a minimum of two hundred fifty (250) new, full-time jobs with a total capital investment in the state of a minimum of Thirty Million Dollars ($30,000,000.00) in Tier 1 or Tier 2 counties;

(ii) Locates or expands in this state and creates a minimum of one hundred fifty (150) new, full-time jobs with a total capital investment in the state of a minimum of Fifteen Million Dollars ($15,000,000.00) in areas federally designated as low-income census tracts;

(iii) Locates or expands in this state and creates a minimum of one thousand (1,000) new, full-time jobs;

(iv) Is a manufacturer of high-end kitchen appliances having at least four hundred (400) employees working at its Mississippi facilities on January 1, 2015, and with a capital investment of at least Five Million Dollars ($5,000,000.00) made after July 1, 2014, through four (4) years after July 1, 2015, that expands in this state, and retains a minimum of four hundred (400) jobs; or

(v) Locates or expands in this state with significant regional impact as determined by MDA.

(b) "MDA" means the Mississippi Development Authority.

(c) "Facility related to the project" means and includes any of the following, as they may pertain to the project:

(i) Facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project;

(ii) Building facilities and equipment necessary to operate the facility;

(iii) Rail lines;

(iv) Airports, airfields, air terminals and port facilities;

(v) Highways, streets and other roadways; and

(vi) Fire protection facilities, equipment and elevated water tanks.

(d) "Project" means any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise that is approved by the MDA.

(2) (a) There is created a special fund in the State Treasury to be known as the Mississippi Industry Incentive Financing Revolving Fund which shall consist of * * * monies from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. * * * Monies in the fund shall be disbursed by the Mississippi Development Authority for the purposes authorized in subsection (3) of this section.

(b) * * * Monies in the fund that * * * are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA * * * for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by the MDA. Reimbursement of reasonable actual and necessary costs * * * shall not exceed three percent (3%) of the proceeds of bonds issued * * *. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a program to make grants or loans from the Mississippi Industry Incentive Financing Revolving Fund to local governments, including, but not limited to, counties, municipalities, industrial development authorities and economic development districts, and approved business enterprises to construct or otherwise provide facilities related to the project. Local governments are authorized to accept grants and enter into loans authorized under the program, and to sell, lease or otherwise dispose of a project or any property related to the project in whole or in part.

(4) (a) Any business enterprise or local government desiring a grant or loan under this section shall submit an application to the MDA which shall include, at a minimum:

(i) Evidence that the business or industry meets the definition of an approved business enterprise;

(ii) A description, including the cost, of the requested assistance;

(iii) A description of the purpose for which the assistance is requested; and

(iv) Any other information required by the MDA.

(b) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(c) Upon receipt of the application from a business enterprise or local government for a grant or loan under this section, the MDA shall determine whether the enterprise meets the definition of an approved business enterprise and determine whether to provide the assistance requested in the form of a grant or a loan.

(d) The MDA shall have sole discretion in providing grants or loans under this section. The terms of a grant or loan provided under this section and the manner of repayment of any loan shall be within the discretion of the MDA. Repayments of loans made under this section shall be deposited to the credit of the Mississippi Industry Incentive Financing Revolving Fund until the uncommitted balance in the fund reaches Fifty Million Dollars ($50,000,000.00). Once the uncommitted balance in the fund reaches Fifty Million Dollars ($50,000,000.00), repayments of loans under this section shall be deposited to the credit of Fund No. 3951 in the State Treasury to pay debt service on bonds until such time as the uncommitted balance in the fund falls below Fifty Million Dollars ($50,000,000.00).

(e) The MDA shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the approval of any grant or loan application thirty (30) days prior to the disbursement of any * * * monies for the loan or grant from the Mississippi Industry Incentive Financing Revolving Fund. The notification shall identify the applicant and the purposes for which the loan or grant is made.

(5) (a) Contracts, by local governments, including, but not limited to, design and construction contracts, for the acquisition, purchase, construction or installation of a project shall be exempt from the provisions of Section 31-7-13 if:

(i) The MDA finds and records such finding on its minutes, that because of availability or the particular nature of a project, it would not be in the public interest or would less effectively achieve the purposes of this section to enter into such contracts on the basis of Section 31-7-13; and

(ii) The approved business enterprise that is involved in the project concurs in such finding.

(b) When the requirements of paragraph (a) of this subsection are met:

(i) The requirements of Section 31-7-13 shall not apply to such contracts; and

(ii) The contracts may be entered into on the basis of negotiation.

(6) It is the policy of the MDA and the MDA is authorized to accommodate and support any enterprise that receives a loan under this section for a project defined in Section 17-25-23 that wishes to have a program of diversity in contracting, and/or that wishes to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small Business Act (15 USCS 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this subsection.

(7) The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of this section.

SECTION 4. Section 57-1-421, Mississippi Code of 1972, is amended as follows:

57-1-421. (1) As used in this subsection:

(a) "Alternative fuel" means compressed natural gas and liquefied natural gas, as defined in Section 27-59-3, and propane fuel when used as a fuel in a motor vehicle or motor vehicles on the highways of the state.

(b) "Alternative fuel school bus" means a school bus propelled by alternative fuel either as a dedicated alternative fuel vehicle, as a bi-fuel vehicle using alternative fuel as one of its fuels, or as a dual-fuel vehicle using alternative fuel as one of its fuels.

(c) "Conversion kit" means the fuel system equipment necessary in order to retrofit a motor vehicle propelled by gasoline, diesel or other fuel so that the motor vehicle may be converted or modified into an alternative fuel motor vehicle.

(d) "Cost of qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) The actual cost per school bus paid by the school district for the purchase and installation of qualified alternative fuel motor vehicle fuel property described in paragraph (l)(i) of this subsection.

(ii) The incremental cost per school bus paid by the school district upon the purchase of an OEM alternative fuel school bus for the qualified alternative fuel motor vehicle fuel property (including installation) described in paragraph (l)(ii) of this subsection.

(iii) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (l)(iii) of this subsection and its installation.

(iv) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (l)(iv) of this subsection and its construction and installation. The cost directly related to a refueling station shall not include costs associated with exploration and development activities necessary for severing natural resources from the soil or ground.

(e) "Fuel system equipment" means tanks, pumps, hoses, injectors, electronic controls and related supplies, materials, parts and components for the storage of alternative fuel as fuel for an alternative fuel school bus, the delivery of alternative fuel to the engine of an alternative fuel school bus, and the exhaust from an alternative fuel school bus of gases from combustion of alternative fuel used to propel an alternative fuel school bus, excluding equipment necessary for operation of a school bus on gasoline, diesel or any fuel other than alternative fuel.

(f) "Incremental cost" means:

(i) The stated MSRP of the fuel system equipment and its installation for an OEM alternative fuel school bus; or

(ii) If no separate MSRP is stated, the difference between the MSRP of the OEM alternative fuel school bus and the MSRP of the same make and model of school bus manufactured without the fuel system equipment but otherwise identically equipped.

When an OEM alternative fuel school bus is sold for less (or more) than its MSRP, the amount determined in subparagraph (i) or (ii) of this paragraph (f) shall be proportionately reduced (or increased) by the same percentage as the discount (or premium) on the MSRP, as applicable.

(g) "School district" means a public school district.

(h) "OEM alternative fuel motor vehicle" means an alternative fuel school bus manufactured by the original vehicle manufacturer (or its contractor) with the fuel system equipment installed as original equipment by the manufacturer (or its contractor) at the factory or at another installation site approved by the manufacturer (or its contractor).

(i) "Motor vehicle" shall have the meaning ascribed to such term in Section 27-59-3.

(j) "MSRP" means manufacturer's suggested retail price.

(k) "Original purchase" means the purchase directly from a dealer at retail of a new OEM alternative fuel school bus which has never been titled.

(l) "Qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) A conversion kit which has not previously been used to retrofit any motor vehicle and is installed and results in a reduction in emissions.

(ii) The fuel system equipment on an OEM alternative fuel school bus which results in a reduction in emissions.

(iii) A refueling system installed at a governmental entity location for the nonpublic refueling with alternative fuel of the governmental entity's alternative fuel school buses.

(iv) A refueling station located in the state and operated by a school district for refueling of alternative fuel motor vehicles owned by the school district.

(v) Upgrades to a refueling system included in subparagraphs (iii) and (iv) of this paragraph (l).

(vi) Portable or mobile refueling systems.

(m) "Reduction in emissions" means a reduction in atmospheric emissions from fuel consumption by an alternative fuel motor vehicle as demonstrated by certification of the fuel system equipment by the federal Environmental Protection Agency or the Mississippi Department of Environmental Quality or any other test or standard recognized by the Mississippi Department of Environmental Quality.

(n) "Refueling system" means compressors (whether used separately or in combination with cascade tanks), process piping, hoses, dispensing units at the point where alternative fuel is delivered as a fuel, meters and other parts and equipment and installation supplies and materials therefor that constitute a refueling system capable of dispensing alternative fuel into fuel tanks of alternative fuel motor vehicles for use as a fuel.

(o) "Refueling station" means property constituting a facility operated for dispensing alternative fuel into fuel tanks of alternative fuel motor vehicles, which shall include:

(i) A refueling system; and

(ii) A building or other structural components constructed or installed as part of and directly related to such refueling system.

(p) "Retrofit" means the installation of a conversion kit in a school bus designed to operate on gasoline, diesel or other fuel in order to convert or modify the bus vehicle into an alternative fuel school bus.

(q) "School bus" means a vehicle owned by a school district that is primarily used by the school district to transport students.

(2) As used in this subsection:

(a) "Alternative fuel" means compressed natural gas and liquefied natural gas, as defined in Section 27-59-3, and propane fuel when used as a fuel in a motor vehicle or motor vehicles on the highways of the state.

(b) "Conversion kit" means the fuel system equipment necessary in order to retrofit a motor vehicle propelled by gasoline, diesel or other fuel so that the motor vehicle may be converted or modified into an alternative fuel motor vehicle.

(c) "Cost of qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) The actual cost per vehicle paid by the municipality for the purchase and installation of qualified alternative fuel motor vehicle fuel property described in paragraph (l)(i) of this subsection.

(ii) The incremental cost per vehicle paid by the municipality upon the purchase of an OEM alternative fuel motor vehicle for the qualified alternative fuel motor vehicle fuel property (including installation) described in paragraph (l)(ii) of this subsection.

(iii) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (l)(iii) of this subsection and its installation.

(iv) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (l)(iv) of this subsection and its construction and installation. The cost directly related to a refueling station shall not include costs associated with exploration and development activities necessary for severing natural resources from the soil or ground.

(d) "Fuel system equipment" means tanks, pumps, hoses, injectors, electronic controls and related supplies, materials, parts and components for the storage of alternative fuel as fuel for an alternative fuel motor vehicle, the delivery of alternative fuel to the engine of an alternative fuel motor vehicle, and the exhaust from an alternative fuel motor vehicle of gases from combustion of alternative fuel used to propel an alternative fuel motor vehicle, excluding equipment necessary for operation of a motor vehicle on gasoline, diesel or any fuel other than alternative fuel.

(e) "Incremental cost" means:

(i) The stated MSRP of the fuel system equipment and its installation for an OEM alternative fuel motor vehicle; or

(ii) If no separate MSRP is stated, the difference between the MSRP of the OEM alternative fuel motor vehicle and the MSRP of the same make and model of motor vehicle manufactured without the fuel system equipment but otherwise identically equipped.

When an OEM alternative fuel motor vehicle is sold for less (or more) than its MSRP, the amount determined in subparagraph (i) or (ii) of this paragraph (e) shall be proportionately reduced (or increased) by the same percentage as the discount (or premium) on the MSRP, as applicable.

(f) "Municipality" means an incorporated city, town or village in the State of Mississippi.

(g) "OEM alternative fuel motor vehicle" means an alternative fuel motor vehicle manufactured by the original vehicle manufacturer (or its contractor) with the fuel system equipment installed as original equipment by the manufacturer (or its contractor) at the factory or at another installation site approved by the manufacturer (or its contractor).

(h) "Motor vehicle" shall have the meaning ascribed to such term in Section 27-59-3.

(i) "MSRP" means manufacturer's suggested retail price.

(j) "Alternative fuel motor vehicle" means a motor vehicle propelled by alternative fuel either as a dedicated alternative fuel vehicle, as a bi-fuel vehicle using alternative fuel as one of its fuels, or as a dual fuel vehicle using alternative fuel as one of its fuels.

(k) "Original purchase" means the purchase directly from a dealer at retail of a new OEM alternative fuel motor vehicle which has never been titled.

(l) "Qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) A conversion kit which has not previously been used to retrofit any motor vehicle and is installed and results in a reduction in emissions.

(ii) The fuel system equipment on an OEM alternative fuel motor vehicle which results in a reduction in emissions.

(iii) A refueling system installed at a municipality location for the nonpublic refueling with alternative fuel of the municipality's alternative fuel motor vehicles.

(iv) A refueling station located in the state and operated by a municipality for refueling of alternative fuel motor vehicles owned by the municipality.

(v) Upgrades to a refueling system included in subparagraphs (iii) and (iv) of this paragraph (l).

(vi) Portable or mobile refueling systems.

(m) "Reduction in emissions" means a reduction in atmospheric emissions from fuel consumption by an alternative fuel motor vehicle as demonstrated by certification of the fuel system equipment by the federal Environmental Protection Agency or the Mississippi Department of Environmental Quality or any other test or standard recognized by the Mississippi Department of Environmental Quality.

(n) "Refueling system" means compressors (whether used separately or in combination with cascade tanks), process piping, hoses, dispensing units at the point where alternative fuel is delivered as a fuel, meters and other parts and equipment and installation supplies and materials therefor that constitute a refueling system capable of dispensing alternative fuel into fuel tanks of alternative fuel motor vehicles for use as a fuel.

(o) "Refueling station" means property constituting a facility operated for dispensing alternative fuel into fuel tanks of alternative fuel motor vehicles, which shall include:

(i) A refueling system; and

(ii) A building or other structural components constructed or installed as part of and directly related to such refueling system.

(p) "Retrofit" means the installation of a conversion kit in a motor vehicle designed to operate on gasoline, diesel or other fuel in order to convert or modify such motor vehicle into an alternative fuel motor vehicle.

(3) (a) The Mississippi Development Authority shall establish a revolving loan program to provide loans to (i) school districts for the purpose of assisting school districts with paying the cost of qualified alternative fuel motor vehicle fuel property and (ii) municipalities for the purpose of assisting municipalities with paying the cost of qualified alternative fuel motor vehicle fuel property. Loans made under this section shall bear no interest.

(b) A school district or municipality desiring a loan under this section must submit an application to the Mississippi Development Authority. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the loan requested; and

(iii) Any other information required by the Mississippi Development Authority.

(c) Repayments of loans made under this section shall be deposited to the credit of the Mississippi Alternative Fuel School Bus and Municipal Motor Vehicle Revolving Loan Fund.

(4) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Alternative Fuel School Bus and Municipal Motor Vehicle Revolving Loan Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the Mississippi Development Authority for the purposes described in this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority * * * for the administration of the various grant, loan and financial incentive programs administered by the authority. * * * Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(5) The Mississippi Development Authority shall have all powers necessary to implement and administer the program established under this section, and the Mississippi Development Authority shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

SECTION 5. Section 57-1-601, Mississippi Code of 1972, is amended as follows:

57-1-601. (1) For the purposes of this section, the following words shall have the following meanings ascribed in this section, unless the context clearly otherwise requires:

(a) "MDA" means the Mississippi Development Authority.

(b) "Municipality" means any municipality with a population of less than fifteen thousand (15,000) according to the latest federal decennial census at the time the municipality submits an application to the MDA under this section.

(c) "Revitalization zone" means an area in a municipality officially designated by ordinance or resolution of the governing authorities of the municipality as a revitalization zone and approved and certified by the MDA as meeting the requirements of this section.

(2) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Main Street Investment Revolving Loan Fund" which shall consist of funds from any source designated for deposit into the fund. Unexpended amounts

remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the MDA for the purposes authorized in subsection (3) of this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA * * * for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * *. Reimbursement of reasonable actual and necessary costs * * * shall not exceed three percent (3%) of the proceeds of bonds issued * * *. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a program to make loans to municipalities to assist with maintaining and improving the viability of revitalization zones. The proceeds of a loan made to a municipality under this section may be used for maintaining and/or improving the viability of a revitalization zone through means deemed appropriate by the governing authorities of the municipality, including, but not limited to, making loans, grants and/or other forms of assistance to any person or public or private association or other entity for use for infrastructure

projects, improvements to properties, signage and other purposes related to maintaining and/or improving the viability of the revitalization zone.

(4) (a) A municipality desiring a loan under this section shall submit an application to the MDA seeking (i) approval and certification of the proposed revitalization zone and (ii) a loan for the purposes authorized in this section. The application shall include, at a minimum:

1. The name of the proposed revitalization zone, which shall include the name of the municipality in which the revitalization zone is to be located, together with the words, "revitalization zone";

2. A description of the revitalization zone by metes and bounds;

3. A map showing the parcels of real property included in the revitalization zone and the present use of such parcels;

4. A master plan for the revitalization zone that has been approved by sixty percent (60%) of the property owners within the zone at the time the municipality submits the application; and

5. Any other information required by the MDA.

The governing authorities of a municipality may designate the boundaries of a proposed revitalization zone by adoption of an ordinance or resolution that is spread upon its minutes and describes the boundaries of the zone.

(b) The MDA shall review the application to confirm that the revitalization zone meets the requirements of this section. A revitalization zone may embrace two (2) or more separate parcels of real property, and such property may be publicly and/or privately owned. Each revitalization zone shall be of such size and form as to include all properties that, in the determination of the municipality and the MDA, constitute an integral part of the revitalization zone. If the MDA determines that the boundaries of the proposed revitalization zone exceed the area that is reasonably deemed to be integral to the revitalization zone, the MDA may reduce the boundaries of the proposed area.

(c) The MDA shall establish a deadline for the submitting of applications during a state fiscal year. Upon expiration of the application deadline, the MDA shall review and evaluate all completed applications and approve and select no more than two (2) municipal revitalization zone projects in the state during each state fiscal year. Upon the approval and selection of a municipal revitalization zone project, the MDA shall certify the revitalization zone.

(d) Repayments of loans made under this section shall be deposited to the credit of the Mississippi Main Street Investment Revolving Loan Fund.

(5) The MDA shall have all powers necessary to implement and administer the program established under this section, and the MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

SECTION 6. Section 57-1-701, Mississippi Code of 1972, as amended by Section 2, House Bill No. 1427, 2019 Regular Session, is amended as follows:

57-1-701. (1) For the purposes of this section, the following words and phrases shall have the meanings ascribed in this subsection unless the context clearly indicates otherwise:

(a) "Eligible entity" means any (i) county, (ii) municipality or (iii) public or private nonprofit local economic development entity including, but not limited to, local authorities, commissions, or other entities created by local and private legislation or pursuant to Section 19-5-99.

(b) "Eligible expenditures" means:

(i) Fees for architects, engineers, environmental consultants, attorneys, and such other advisors, consultants and agents that MDA determines are necessary to complete site due diligence associated with site development improvements located on industrial property that is publicly owned; and/or

(ii) Contributions toward site development improvements, as approved by MDA, located on industrial property that is publicly owned.

(c) "MDA" means the Mississippi Development Authority.

(d) "Site development improvements" means site clearing, grading, and environmental mitigation; improvements to drainage systems; easement and right-of-way acquisition; sewer systems; transportation directly affecting the site, including roads, bridges or rail; bulkheads; land reclamation; water supply (storage, treatment and distribution); aesthetic improvements; the dredging of channels and basins; or other improvements as approved by MDA.

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the "Mississippi Site Development Grant Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used to make grants to assist eligible entities as provided in this section.

(b) Monies in the fund which are derived from proceeds of bonds issued under Section 2 of Chapter 390, Laws of 2017, Section 5 of Chapter 412, Laws of 2018, or Section 1, House Bill No. 1427, 2019 Regular Session, may be used to reimburse reasonable actual and necessary costs incurred by MDA * * * for the administration of the various grant, loan and financial incentive programs administered by MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by MDA. Reimbursement of reasonable actual and necessary costs * * * shall not exceed three percent (3%) of the proceeds of bonds issued * * *. Reimbursements under this subsection shall satisfy any applicable federal tax law requirements.

(3) (a) MDA shall establish a program to make grants to eligible entities to match local or other funds associated with improving the marketability of publicly owned industrial property for industrial economic development purposes and other property improvements as approved by MDA. An eligible entity may apply to MDA for a grant under this program in the manner provided for in this section. An eligible entity desiring assistance under this section must provide matching funds in an amount determined by MDA. Matching funds may be provided in the form of cash and/or in-kind services as determined by MDA.

(b) An eligible entity desiring assistance under this section must submit an application to MDA. The application must include:

(i) A description of the eligible expenditures for which assistance is requested;

(ii) The amount of assistance requested;

(iii) The amount and type of matching funds to be provided by the eligible entity; and

(iv) Any other information required by MDA.

(c) Upon request by MDA, an eligible entity shall provide MDA with access to all studies, reports, documents and/or plans developed as a result of or related to an eligible entity receiving assistance under this section.

(4) MDA shall have all powers necessary to implement and administer the program established under this section, and the department shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

(5) MDA shall file an annual report with the Governor, the Secretary of the Senate and the Clerk of the House of Representatives not later than December 1 of each year, describing all assistance provided under this section.

SECTION 7. Section 57-46-1, Mississippi Code of 1972, is amended as follows:

57-46-1. (1) (a) There is created a special fund in the State Treasury to be known as the Mississippi Railroad Improvements Fund which shall consist of monies from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be disbursed by the

Mississippi Development Authority (MDA) for the purposes authorized in subsection (2) of this section.

(b) Monies in the fund that are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA * * * for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by the MDA. Reimbursement of reasonable actual and necessary costs * * * shall not exceed three percent (3%) of the proceeds of bonds issued * * *. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(2) The MDA shall establish a program to make grants from the Mississippi Railroad Improvements Fund to assist in paying a portion of the costs associated with the repair, rehabilitation, construction, reconstruction, upgrading and improvement of railroad lines and related facilities, including projects necessary to ensure safety and structural integrity of rail lines, rail beds and bridges.

(3) (a) An entity desiring a grant under this section shall submit an application to the MDA which shall include, at a minimum:

(i) A description, including the cost, of the requested assistance;

(ii) A description of the purpose for which the assistance is requested; and

(iii) Any other information required by the MDA.

(b) The MDA shall have sole discretion in providing grants under this section. The terms of a grant shall be within the discretion of the MDA.

(4) The MDA shall have all powers necessary to implement and administer the program established under this section, including the establishing of requirements for matching funds and criteria regarding the evaluation of applications for assistance. The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation and administration of this section.

SECTION 8. Section 57-61-25, Mississippi Code of 1972, as amended by Section 4, House Bill No. 1427, 2019 Regular Session, is amended as follows:

57-61-25. (1) The seller is authorized to borrow, on the credit of the state upon receipt of a resolution from the Mississippi Development Authority requesting the same, monies not exceeding the aggregate sum of * * * Three Hundred Eighty-two Million Five Hundred Thousand Dollars ($382,500,000.00), not including monies borrowed to refund outstanding bonds, notes or replacement notes, as may be necessary to carry out the purposes of this chapter. The rate of interest on any such bonds or notes which are not subject to taxation shall not exceed the rates set forth in Section 75-17-101, Mississippi Code of 1972, for general obligation bonds.

(2) As evidence of indebtedness authorized in this chapter, general or limited obligation bonds of the state shall be issued, from time to time, to provide monies necessary to carry out the purposes of this chapter for such total amounts, in such form, in such denominations payable in such currencies (either domestic or foreign, or both) and subject to such terms and conditions of issue, redemption and maturity, rate of interest and time of payment of interest as the seller directs, except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from date thereof and extending not more than thirty (30) years from date thereof.

(3) All bonds and notes issued under authority of this chapter shall be signed by the chairman of the seller, or by his facsimile signature, and the official seal of the seller shall be affixed thereto, attested by the secretary of the seller.

(4) All bonds and notes issued under authority of this chapter may be general or limited obligations of the state, and the full faith and credit of the State of Mississippi as to general obligation bonds, or the revenues derived from projects assisted as to limited obligation bonds, are hereby pledged for the payment of the principal of and interest on such bonds and notes.

(5) Such bonds and notes and the income therefrom shall be exempt from all taxation in the State of Mississippi.

(6) The bonds may be issued as coupon bonds or registered as to both principal and interest, as the seller may determine. If interest coupons are attached, they shall contain the facsimile signature of the chairman and secretary of the seller.

(7) The seller is authorized to provide, by resolution, for the issuance of refunding bonds for the purpose of refunding any debt issued under the provisions of this chapter and then outstanding, either by voluntary exchange with the holders of the outstanding debt or to provide funds to redeem and the costs of issuance and retirement of the debt, at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the issuing officials in respect to the same shall be governed by the provisions of this section, insofar as they may be applicable.

(8) As to bonds issued hereunder and designated as taxable bonds by the seller, any immunity of the state to taxation by the United States government of interest on bonds or notes issued by the state is hereby waived.

(9) The proceeds of bonds issued under this chapter after April 9, 2002, may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority * * * for the administration of the various grant, loan

and financial incentive programs administered by the authority. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by the Mississippi Development Authority. Reimbursement of reasonable actual and necessary costs * * * shall not exceed three percent (3%) of the proceeds of bonds issued * * *. * * * Reimbursements under this subsection shall satisfy any applicable federal tax law requirements.

SECTION 9. Section 57-85-5, Mississippi Code of 1972, is amended as follows:

57-85-5. (1) For the purposes of this section, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "MDA" means the Mississippi Development Authority.

(b) "Project" means construction, rehabilitation or repair of buildings; sewer systems and transportation directly affecting the site of the proposed rural business; sewer facilities, acquisition of real property, development of real property, improvements to real property, and any other project approved by the Mississippi Development Authority.

(c) "Rural business" means a new or existing business located or to be located in a rural community or a business or industry located or to be located within five (5) miles of a rural community. "Rural business" does not include gaming businesses or utility businesses.

(d) "Rural community" means a county in the State of Mississippi that meets the population criteria for the term "limited population county" as provided in Section 57-1-18. "Rural community" also means a municipality in the State of Mississippi that meets the population criteria for the term "small municipality" as provided in Section 57-1-18.

(2) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Rural Impact Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used to make grants and loans to rural communities and loan guaranties on behalf of rural businesses to assist in completing projects under this section.

(b) Monies in the fund which are derived from proceeds of bonds issued after April 15, 2003, may be used to reimburse reasonable actual and necessary costs incurred by the MDA * * * for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by the MDA. Reimbursement of reasonable actual and necessary costs * * * shall not exceed three percent (3%) of the proceeds of bonds issued * * *. Reimbursements under this paragraph (b) shall satisfy any applicable federal tax law requirements.

(c) The MDA may use monies in the fund to pay for the services of architects, engineers, attorneys and such other advisors, consultants and agents that the MDA determines are necessary to review loan and grant applications and to implement and administer the program established under this section.

(d) The State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(3) The MDA shall establish a program to make grants and loans to rural communities and loan guaranties on behalf of rural businesses from the Mississippi Rural Impact Fund. A rural community may apply to the MDA for a grant or loan under this section in the manner provided for in this section. A rural business may apply to the MDA for a loan guaranty under this section in the manner provided in this section.

(4) A rural community desiring assistance under this section must submit an application to the MDA. The application must include a description of the project for which assistance is requested, the cost of the project for which assistance is requested and any other information required by the MDA. A rural business desiring assistance under this section must submit an

application to the MDA. The application must include a description of the purpose for which assistance is requested and any other information required by the MDA. The MDA may waive any requirements of the program established under this section in order to expedite funding for unique projects.

(5) The MDA shall have all powers necessary to implement and administer the program established under this section, and the MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

SECTION 10. Section 57-93-1, Mississippi Code of 1972, is amended as follows:

57-93-1. (1) As used in this section:

(a) "Existing industry" means a manufacturing enterprise that has been operating in this state for not less than two (2) consecutive years that meets minimum criteria established by the Mississippi Development Authority.

(b) "Long-term fixed assets" means assets that:

(i) Through new technology will improve an enterprise's productivity and competitiveness; and

(ii) Meet criteria established by the Mississippi Development Authority.

(c) "MDA" means the Mississippi Development Authority.

(2) (a) There is established the Mississippi Existing Industry Productivity Loan Program to be administered by the MDA for the purpose of providing loans to:

(i) Existing industries to deploy long-term fixed assets that through new technology will improve productivity and competitiveness;

(ii) Existing industries for the purchase or refinancing of land, buildings or equipment; and

(iii) Counties or incorporated municipalities to assist existing industries in deploying long-term fixed assets that through new technology will improve productivity and competitiveness and to assist existing industries through the purchase of land, buildings and equipment.

(b) (i) An existing industry that accepts a loan under this program shall not reduce employment by more than twenty percent (20%) through the use of the long-term fixed assets for which the loan is granted.

(ii) An existing industry that accepts assistance from a county or incorporated municipality through a loan made under this program shall not reduce employment by more than twenty percent (20%) through the use of the long-term fixed assets for which the assistance is granted.

(c) An existing industry desiring a loan under this section must submit an application to the MDA. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the loan requested;

(iii) The estimated total cost of the project;

(iv) A two-year business plan for the project;

(v) Financial statements or tax returns for the existing industry for the two (2) years immediately prior to the application;

(vi) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the enterprise; and

(vii) Any other information required by the MDA.

(d) A county or incorporated municipality desiring a loan under this section must submit an application to the MDA. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the loan requested;

(iii) The estimated total cost of the project;

(iv) A statement showing the sources of funding for the project;

(v) A two-year business plan for the project;

(vi) Financial statements or tax returns for the existing industry for the two (2) years immediately prior to the application;

(vii) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the existing industry;

(viii) Any commitment by the existing industry to pay rental on, or to make loan repayments related to, the assistance; and

(ix) Any other information required by the MDA.

(e) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(f) The rate of interest on loans under this section shall be set by the MDA.

(g) The MDA shall have all powers necessary to implement and administer the program established under this section, and the MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section. However, in making loans under this section, the MDA shall attempt to provide for an equitable distribution of such loans among each of the congressional districts of this state in order to promote economic development across the entire state.

(3) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Existing Industry Productivity Loan Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the MDA for the purposes described in this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA * * * for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds that are deposited into the fund. * * * Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(c) (i) There is hereby created the Mississippi Existing Industry Productivity Loan Program Bond Sinking Fund from which the principal and interest on bonds whose proceeds are deposited into the Mississippi Existing Industry Productivity Loan Fund and utilized to provide loans authorized under this section, shall be repaid. Unexpended amounts remaining in the bond sinking fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the bond sinking fund shall be deposited into the bond sinking fund. At any time when the funds required to pay the principal and interest on bonds whose proceeds are deposited into the Mississippi Existing Industry Productivity Loan Fund and are utilized to provide loans under this section are more than the amount available in the bond sinking fund, the Legislature shall appropriate the balance of the funds necessary to pay the principal and interest on such bonds.

(ii) Money repaid on loans authorized under this section that are derived from the proceeds of bonds deposited into the Mississippi Existing Industry Productivity Loan Fund shall be deposited into the Mississippi Existing Industry Productivity Loan Program Bond Sinking Fund.

(4) (a) A county that receives a loan under this section shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77. An incorporated municipality

that receives a loan under this section shall pledge for repayment of the loan any part of the sales tax revenue distribution to which it may be entitled under Section 27-65-75. Each loan agreement shall provide for monthly payments, semiannual payments or other periodic payments, the annual total of which shall not exceed the annual total for any other year of the loan by more than fifteen percent (15%). The loan agreement shall provide for the repayment of all funds received within not more than twenty (20) years from the date of project completion.

(b) The State Auditor, upon request of the MDA, shall audit the receipts and expenditures of a county or an incorporated municipality whose loan payments appear to be in arrears, and if he finds that the county or municipality is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the MDA. In addition, the State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(c) Evidences of indebtedness which are issued pursuant to this chapter shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

SECTION 11. Section 57-95-1, Mississippi Code of 1972, is amended as follows:

57-95-1. (1) As used in this section:

(a) "At-risk industry" means any enterprise that has been operating in this state for not less than three (3) consecutive years that has lost jobs or is at risk to lose jobs because such jobs have been outsourced.

(b) "MDA" means the Mississippi Development Authority.

(c) "Outsource" means to send out work or jobs of a certain provider or manufacturer of the State of Mississippi to an overseas provider or manufacturer or a provider or manufacturer located outside the boundaries of the United States or any territory of the United States.

(2) (a) There is established the Mississippi Job Protection Act to be administered by the MDA for the purpose of providing grants and loans to:

(i) At-risk industries to be used for job retention and to improve productivity and competitiveness; and

(ii) Counties and incorporated municipalities to provide assistance to at-risk industries to be used for job retention and to improve productivity and competitiveness.

(b) (i) An at-risk industry that accepts a grant or loan under this program shall not reduce employment by more than twenty percent (20%).

(ii) An at-risk industry that accepts assistance from a county or incorporated municipality through a loan or grant made under this section shall not reduce employment by more than twenty percent (20%).

(c) An at-risk industry desiring a grant or loan under this section must submit an application to the MDA. The application shall include:

(i) A description of the purpose for which the grant or loan is requested;

(ii) The amount of the grant or loan requested;

(iii) The estimated total cost of the project;

(iv) A two-year business plan for the project;

(v) Financial statements or tax returns for the at-risk industry for the two (2) years immediately prior to the application;

(vi) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the at-risk industry; and

(vii) Any other information required by the MDA.

(d) A county or incorporated municipality desiring a grant or loan under this section must submit an application to the MDA. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the grant or loan requested;

(iii) The estimated total cost of the project;

(iv) A statement showing the sources of funding for the project;

(v) A two-year business plan for the project;

(vi) Financial statements or tax returns for the at-risk industry for the two (2) years immediately prior to the application;

(vii) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the at-risk industry;

(viii) Any commitment by the at-risk industry to pay rental on, or to make loan repayments related to, the assistance; and

(ix) Any other information required by the MDA.

(e) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(f) The amount of a grant or loan under this section shall not exceed fifty percent (50%) of the total cost of the project.

(g) The MDA shall have all powers necessary to implement and administer the program established under this section, and the MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

(3) Grants under this section shall not exceed Two Hundred Thousand Dollars ($200,000.00).

(4) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Job Protection Act Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the MDA for the purposes described in this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA * * * for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued under Sections 40 through 55 of Chapter 1, Laws of Third Extraordinary Session of 2005. * * * Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(c) (i) There is hereby created the Mississippi Job Protection Act Bond Sinking Fund from which the principal and interest on bonds whose proceeds are deposited into the Mississippi Job Protection Act Fund and utilized to provide loans authorized under this section, shall be repaid. Unexpended amounts remaining in the bond sinking fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the bond sinking fund shall be deposited into the bond sinking fund. At any time when the funds required to pay the principal and interest on bonds whose proceeds are deposited into the Mississippi Job Protection Act Fund and are utilized to provide loans under this section are more than the amount available in the bond sinking fund, the Legislature shall appropriate the balance of the funds necessary to pay the principal and interest on such bonds.

(ii) Money repaid on loans authorized under this section that are derived from the proceeds of bonds deposited into the Mississippi Job Protection Act Fund shall be deposited into the Mississippi Job Protection Act Bond Sinking Fund.

(5) (a) A county that receives a loan under this section shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77. An incorporated municipality that receives a loan under this section shall pledge for repayment of the loan any part of the sales tax revenue distribution to which it may be entitled under Section 27-65-75. Each loan agreement shall provide for monthly payments, semiannual payments or other periodic payments, the annual total of which shall not exceed the annual total for any other year of the loan by more than fifteen percent (15%). The loan agreement shall provide for the repayment of all funds received within not more than twenty (20) years from the date of project completion.

(b) The State Auditor, upon request of the MDA, shall audit the receipts and expenditures of a county or an incorporated municipality whose loan payments appear to be in arrears, and if he finds that the county or municipality is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the MDA. The State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(c) Evidences of indebtedness which are issued pursuant to this section shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

SECTION 12. Section 57-111-1, Mississippi Code of 1972, is amended as follows:

57-111-1. (1) As used in this section:

(a) "MDA" means the Mississippi Development Authority.

(b) "Program" means the Mississippi Small Business and Existing Forestry Industry Enterprise Participating Loan Program established in this section.

(c) "Small business" means any commercial enterprise with less than one hundred (100) full-time employees, less than Seven Million Dollars ($7,000,000.00) in gross revenues or less than Seven Hundred Fifty Thousand Dollars ($750,000.00) in net annual profit after taxes.

(d) "Existing forestry industry enterprise" means a manufacturing enterprise that:

(i) Has its principal place of business in this state;

(ii) Has been operating in this state for not less than three (3) consecutive years preceding the date of submitting an application for assistance under this section;

(iii) Performs the initial processing of pine logs and/or hardwood logs in the production of lumber products or is engaged in the production of poles and/or timbers; and

(iv) Has employed an average of not less than fifteen (15) employees based on the most recent thirty-six-month period preceding the date that the enterprise submits an application for assistance under this section.

The term "existing forestry industry enterprise" does not include any (a) enterprise with the primary business of producing chips or (b) pulp manufacturer and/or paper manufacturer.

(2) The MDA shall establish a program of loans to be made to small businesses and existing forestry industry enterprises for the purpose of encouraging the extension of conventional financing and the issuance of letters of credit to small businesses and existing forestry industry enterprises by private institutions. Money to make the loans under the program shall be drawn by the MDA from the Small Business Participating Loan Program Revolving Fund. The amount of a loan to any single small business or existing forestry industry enterprise under the program shall not exceed fifty percent (50%) of the total cost of the project for which financing is sought. Interest shall be charged on the loans at a rate equal to one percent (1%) above the current published

prime rate. The term of any loan made under this section shall not exceed five (5) years. Repayments of loans made by the MDA under the program shall be deposited to the credit of the Small Business and Existing Forestry Industry Enterprise Participating Loan Program Revolving Fund. Small businesses may utilize loan proceeds for buildings, equipment and working capital. An existing forestry industry enterprise that receives a loan under this section may use the loan proceeds for the purpose of providing working capital, acquiring machinery and equipment, making upgrades and improvements to machinery and equipment, acquiring raw materials and any other purposes approved by the MDA.

(3) There is created a special fund in the State Treasury to be known as the Small Business and Existing Forestry Industry Enterprise Participating Loan Program Revolving Fund which shall consist of money from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Money in the fund shall be disbursed by the Mississippi Development Authority for the purposes authorized in subsection (2) of this section.

(4) Money in the fund that is derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA * * * for the

administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by the MDA. Reimbursement of reasonable actual and necessary costs * * * shall not exceed three percent (3%) of the proceeds of bonds issued * * *. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

SECTION 13. Section 65-4-15, Mississippi Code of 1972, is amended as follows:

65-4-15. (1) There is hereby established a special fund in the State Treasury to be known as the "Economic Development Highway Fund" which shall consist of such monies as the Legislature shall appropriate thereto or such other monies as the Legislature may designate to be deposited therein. Any monies to the credit of such fund may be expended by the Mississippi Department of Transportation or political subdivision, as appropriate, upon approval of requisitions therefor by the Mississippi Development Authority for any expenses incurred by the Transportation Department or political subdivision in constructing and improving highways and highway segments which have been approved by the Mississippi Development Authority under the provisions of this chapter. From and after July 1, 2004, no monies to the credit of the fund may be expended for the construction and improvement of highways for high economic benefit projects that are being developed for the primary purpose of conducting retail sales unless the Mississippi Development Authority has received an application for the project prior to July 1, 2004. With regard to a high economic benefit project as defined in Section 65-4-5(1)(c)(xiii) for which the Mississippi Development Authority approved and allocated monies in the fund before January 1, 2016, for constructing or improving a highway or highway segment related to the high economic benefit project, the Mississippi Development Authority may reallocate such monies from the original highway or highway segment purpose and allocate the funds for constructing or improving another highway or highway segment provided that such highway or highway segment is located within three (3) miles of the high economic benefit project for which the Mississippi Development Authority originally allocated and approved the monies. The Office of State Aid Road Construction shall be entitled to reimbursement from monies in the fund, upon approval by the Mississippi Development Authority of requisitions therefor by the State Aid Engineer, for the actual expenses incurred by the office in administering and providing engineering services to political subdivisions. Monies remaining unexpended to the credit of such special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on the investment of monies in the special fund shall be deposited to the credit of the fund.

(2) Monies in the Economic Development Highway Fund which are derived from proceeds of bonds issued under this chapter after July 1, 2003, may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority * * * for the administration of the various grant, loan and financial incentive programs administered by the authority. An accounting of actual costs incurred for which reimbursement is sought shall be maintained * * * by the Mississippi Development Authority. Reimbursement of reasonable actual and necessary costs * * * shall not exceed three percent (3%) of the proceeds of bonds issued * * *. * * * Reimbursements to the Mississippi Development Authority under this subsection shall satisfy any applicable federal tax law requirements.

SECTION 14. Section 5 of this act shall take effect and be in force from and after its passage, and the remaining sections of this act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2282

Description: Mississippi Ports Improvements Fund; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

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 1  01/21   (S) Referred To Finance
 2  02/05   (S) Title Suff Do Pass
 3  02/07   (S) Passed {Vote}
 4  02/08   (S) Transmitted To House
 5  02/19   (H) Referred To Ways and Means
 6  03/05   (H) Title Suff Do Pass
 7  03/07   (H) Tabled Subject To Call
 8  03/13   (H) Passed {Vote}
 9  03/13   (H) Motion to Reconsider Entered (Lamar,
                Smith)
10  03/14   (H) Motion to Reconsider Tabled
11  03/14   (H) Returned For Enrolling
12  03/21   (S) Enrolled Bill Signed
13  03/21   (H) Enrolled Bill Signed
14  03/28   Approved by Governor
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----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Gollott
Additional Authors: Carter, Simmons (12th)

Title: AN ACT TO CREATE THE MISSISSIPPI PORTS IMPROVEMENTS FUND; TO PROVIDE THAT MONIES IN THE FUND THAT ARE DERIVED FROM THE PROCEEDS OF GENERAL OBLIGATION BONDS MAY BE USED TO REIMBURSE REASONABLE ACTUAL AND NECESSARY COSTS INCURRED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY IN PROVIDING GRANTS USING GENERAL OBLIGATION BONDS; TO PROVIDE THAT THE REIMBURSEMENT OF REASONABLE ACTUAL AND NECESSARY COSTS SHALL NOT EXCEED 2%;

TO REQUIRE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO ESTABLISH A PROGRAM TO MAKE GRANTS FROM THE FUND TO ASSIST IN PAYING A PORTION OF THE COSTS ASSOCIATED WITH THE REPAIR, REHABILITATION, CONSTRUCTION, RECONSTRUCTION, UPGRADING AND IMPROVEMENT OF EXISTING PORT FACILITIES; TO PROVIDE THE APPLICATION TO BE COMPLETED TO RECEIVE A GRANT; TO CREATE THE PORTS IMPROVEMENTS FUND ADVISORY COMMITTEE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Gollott, Carter, Simmons (12th)

To: Finance

SENATE BILL NO. 2282

AN ACT TO CREATE THE MISSISSIPPI PORTS IMPROVEMENTS FUND; TO PROVIDE THAT MONIES IN THE FUND THAT ARE DERIVED FROM THE PROCEEDS OF GENERAL OBLIGATION BONDS MAY BE USED TO REIMBURSE REASONABLE ACTUAL AND NECESSARY COSTS INCURRED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY IN PROVIDING GRANTS USING GENERAL OBLIGATION BONDS; TO PROVIDE THAT THE REIMBURSEMENT OF REASONABLE ACTUAL AND NECESSARY COSTS SHALL NOT EXCEED 2%; TO REQUIRE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO ESTABLISH A PROGRAM TO MAKE GRANTS FROM THE FUND TO ASSIST IN PAYING A PORTION OF THE COSTS ASSOCIATED WITH THE REPAIR, REHABILITATION, CONSTRUCTION, RECONSTRUCTION, UPGRADING AND IMPROVEMENT OF EXISTING PORT FACILITIES; TO PROVIDE THE APPLICATION TO BE COMPLETED TO RECEIVE A GRANT; TO CREATE THE PORTS IMPROVEMENTS FUND ADVISORY COMMITTEE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) (a) There is created a special fund in the State Treasury to be known as the Mississippi Ports Improvements Fund which shall consist of monies from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be disbursed by the Mississippi Development

Authority (MDA) for the purposes authorized in subsection (2) of this section.

(b) Monies in the fund that are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA in providing grants under this section using general obligation bonds. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each grant by the MDA. Reimbursement of reasonable actual and necessary costs for assistance shall not exceed two percent (2%) of the proceeds of bonds issued for such assistance. Reimbursements made under this paragraph shall satisfy any applicable federal tax law requirements.

(2) The MDA shall establish a program to make grants from the Mississippi Ports Improvements Fund to assist in paying a portion of the costs associated with the repair, rehabilitation, construction, reconstruction, upgrading and improvement of existing port facilities, including projects necessary to ensure safety and structural integrity of such facilities.

(3) (a) An entity desiring a grant under this section shall submit an application to the MDA which shall include, at a minimum:

(i) A description, including the cost, of the requested assistance;

(ii) A description of the purpose for which the assistance is requested; and

(iii) Any other information required by the MDA.

(b) There is hereby created the Ports Improvements Fund Advisory Committee whose membership shall consist of:

(i) Six (6) directors of ports, appointed by the President of the Mississippi Ports Council, or his or her designee, as follows: two (2) directors of the coastal ports, two (2) directors of inland river ports located on the Mississippi River and two (2) directors of inland ports located on the Tennessee-Tombigbee Waterway; and

(ii) The Executive Director of the MDA, or his or her designee.

(c) The MDA, in consultation with the Ports Improvements Fund Advisory Committee, shall provide grants under this section. The terms of a grant shall be within the discretion of the MDA.

(4) The MDA shall have all powers necessary to implement and administer the program established under this section, including the establishing of requirements for matching funds and criteria regarding the evaluation of applications for assistance. The MDA shall promulgate rules and regulations, in accordance with the Administrative Procedures Law, necessary for the implementation and administration of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2305

Description: Human trafficking; increase certain penalties.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Judiciary, Division A
2	02/05	(S)	Title Suff Do Pass Comm Sub
3	02/07	(S)	Committee Substitute Adopted
4	02/07	(S)	Passed {Vote}
5	02/08	(S)	Transmitted To House
6	02/21	(H)	Referred To Judiciary B
7	03/05	(H)	Title Suff Do Pass As Amended
8	03/12	(H)	Read the Third Time
9	03/13	(H)	Amended
10	03/13	(H)	Passed As Amended {Vote}
11	03/13	(H)	Motion to Reconsider Entered (Cockerham, Bailey)
12	03/14	(H)	Motion to Reconsider Tabled
13	03/14	(H)	Returned For Concurrence
14	03/22	(S)	Decline to Concur/Invite Conf
15	03/27	(S)	Conferees Named Hopson,DeBar,Watson
16	03/27	(H)	Conferees Named Cockerham,White,Ford
17	03/27	(S)	Conference Report Filed
18	03/27	(H)	Conference Report Filed
19	03/28	(S)	Conference Report Adopted {Vote}
20	03/28	(H)	Conference Report Adopted {Vote}
21	04/04	(S)	Enrolled Bill Signed
22	04/04	(H)	Enrolled Bill Signed
23	04/05		Due From Governor 04/23/19

Amendments:
[H] Committee Amendment No 1Tabled
[H] Amendment No 2 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2305

Conference Reports:
| Conference Report

Code Section: A 097-0003-0054.1

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary B

Principal Author: Watson
Additional Authors: Barnett, Blackmon, Blackwell, Branning, Browning, Butler, Carmichael, Carter, Caughman, Chassaniol, Clarke, Dawkins, DeBar, Dearing, Frazier, Gollott, Harkins, Hill, Hopson, Hudson, Jackson (15th), Jackson (11th), Jackson (32nd), Jolly, Jordan, Kirby, McDaniel, Michel, Moran, Parker, Parks, Seymour, Turner-Ford, Whaley, Wilemon, Witherspoon, Younger, Massey

Title: AN ACT TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTY FOR HUMAN TRAFFICKING OF A MINOR; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2019

By: Senator(s) Watson, Barnett, Blackmon, Blackwell, Branning, Browning, Butler, Carmichael, Carter, Caughman, Chassaniol, Clarke, Dawkins, DeBar, Dearing, Frazier, Gollott, Harkins, Hill, Hopson, Hudson, Jackson (15th), Jackson (11th), Jackson (32nd), Jolly, Jordan, Kirby, McDaniel, Michel, Moran, Parker, Parks, Seymour, Turner-Ford, Whaley, Wilemon, Witherspoon, Younger, Massey

To: Judiciary, Division A

SENATE BILL NO. 2305
(As Sent to Governor)

AN ACT TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTY FOR HUMAN TRAFFICKING OF A MINOR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-3-54.1, Mississippi Code of 1972, is amended as follows:

97-3-54.1. (1) (a) A person who coerces, recruits, entices, harbors, transports, provides or obtains by any means, or attempts to coerce, recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services, or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of human-trafficking.

(b) A person who knowingly purchases the forced labor or services of a trafficked person or who otherwise knowingly subjects, or attempts to subject, another person to forced labor or services or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of procuring involuntary servitude.

(c) A person who knowingly subjects, or attempts to subject, or who recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, a minor, knowing that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or causes or attempts to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, shall be guilty of procuring sexual servitude of a minor and shall be punished by commitment to the custody of the Department of Corrections for not less than * * * twenty (20) years nor more than * * * life in prison, or by a fine of not less than Fifty Thousand Dollars ($50,000.00) nor more than Five Hundred Thousand Dollars ($500,000.00), or both. It is not a defense in a prosecution under this section that a minor consented to engage in the commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or that the defendant reasonably believed that the minor was eighteen (18) years of age or older.

(2) If the victim is not a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than two (2) years nor more than twenty (20) years, or by a fine of not less than Ten Thousand Dollars ($10,000.00) nor more than One Hundred Thousand Dollars ($100,000.00), or both. If the victim of the offense is a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than * * * twenty (20) years nor more than * * * life in prison, or by a fine of not less than Twenty Thousand Dollars ($20,000.00) nor more than One Hundred Thousand Dollars ($100,000.00), or both.

(3) An enterprise may be prosecuted for an offense under this chapter if:

(a) An agent of the enterprise knowingly engages in conduct that constitutes an offense under this chapter while acting within the scope of employment and for the benefit of the entity.

(b) An employee of the enterprise engages in conduct that constitutes an offense under this chapter and the commission of the offense was part of a pattern of illegal activity for the benefit of the enterprise, which an agent of the enterprise either knew was occurring or recklessly disregarded, and the agent failed to take effective action to stop the illegal activity.

(c) It is an affirmative defense to a prosecution of an enterprise that the enterprise had in place adequate procedures, including an effective complaint procedure, designed to prevent persons associated with the enterprise from engaging in the unlawful conduct and to promptly correct any violations of this chapter.

(d) The court may consider the severity of the enterprise's offense and order penalties, including: (i) a fine of not more than One Million Dollars ($1,000,000.00); (ii) disgorgement of profit; and (iii) debarment from government contracts. Additionally, the court may order any of the relief provided in Section 97-3-54.7.

(4) In addition to the mandatory reporting provisions contained in Sections 43-21-353 and 97-5-51, any person who has reasonable cause to suspect that a minor under the age of eighteen (18) is a trafficked person shall immediately make a report of the suspected child abuse or neglect to the Department of Human Services and to the Statewide Human Trafficking Coordinator. The Department of Human Services shall then immediately notify the law enforcement agency in the jurisdiction where the suspected child abuse or neglect occurred as required in Section 43-21-353, and the department shall also commence an initial investigation into the suspected abuse or neglect as required in Section 43-21-353. A minor who has been identified as a victim of trafficking shall not be liable for criminal activity in violation of this section.

(5) It is an affirmative defense in a prosecution under this act that the defendant:

(a) Is a victim; and

(b) Committed the offense under a reasonable apprehension created by a person that, if the defendant did not commit the act, the person would inflict serious harm on the defendant, a member of the defendant's family, or a close associate.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2328

Description: Forensic Mental Health Act of 2019; create.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Judiciary, Division A
2	01/31	(S)	Title Suff Do Pass Comm Sub
3	02/13	(S)	Committee Substitute Adopted
4	02/13	(S)	Amended
5	02/13	(S)	Passed As Amended {Vote}
6	02/18	(S)	Transmitted To House
7	02/19	(H)	Referred To Judiciary B
8	03/05	(H)	Title Suff Do Pass As Amended
9	03/12	(H)	Read the Third Time
10	03/13	(H)	Amended
11	03/13	(H)	Passed As Amended {Vote}
12	03/14	(H)	Returned For Concurrence
13	03/20	(S)	Decline to Concur/Invite Conf
14	03/27	(S)	Conferees Named Hopson,Branning,Frazier
15	03/27	(H)	Conferees Named Cockerham,Bailey,Mims
16	03/27	(S)	Conference Report Filed
17	03/27	(H)	Conference Report Filed
18	03/28	(H)	Conference Report Adopted {Vote}
19	03/28	(S)	Conference Report Adopted {Vote}
20	04/04	(S)	Enrolled Bill Signed
21	04/04	(H)	Enrolled Bill Signed
22	04/05	Due	From Governor 04/23/19

Amendments:
[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2328

Conference Reports:
| Conference Report

Code Section: A 099-0013-0011, A 041-0021-0061, A 041-0021-0063, A 041-0021-0065, A 041-0021-0067, A 041-0021-0069, A 041-0021-0071, A 041-0021-0077, A 041-0021-0079, A 041-0031-0001, A 041-0031-0003, A 041-0031-0005, A 041-0031-0011, A 041-0032-0003, A 041-0032-0005, A 041-0032-0007, A 041-0032-0011, A 025-0031-0011, A 041-0030-0027, A 099-0043-0035

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary B

Principal Author: Hopson
Additional Authors: Jackson (11th), Jordan, Jackson (32nd), Dearing, Branning

Title: AN ACT TO REQUIRE THE DEPARTMENT OF MENTAL HEALTH TO DEVELOP STANDARDS FOR CERTIFICATION OF PROVIDERS AUTHORIZED TO PERFORM MENTAL EXAMINATIONS FOR CRIMINAL DEFENDANTS AND TO PROVIDE TRAINING TO THE PROVIDERS; TO AMEND SECTION 99-13-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THE MENTAL EXAMINATION OF PERSONS CHARGED WITH A FELONY; TO AMEND SECTION 41-21-61, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS IN THE CHAPTER DEALING WITH COMMITMENT OF PERSONS IN NEED OF MENTAL HEALTH TREATMENT; TO AMEND SECTION 41-21-63, MISSISSIPPI CODE OF 1972, TO CLARIFY JURISDICTION OVER A PERSON WITH UNRESOLVED VIOLENT FELONY CHARGES WHOSE MENTAL COMPETENCY IS IN QUESTION AND TO REQUIRE CERTAIN NOTIFICATIONS UPON RELEASE OF THE PERSON FROM TREATMENT; TO AMEND SECTION 41-21-65, MISSISSIPPI CODE OF 1972, TO CLARIFY JURISDICTION OVER CERTAIN PERSONS CHARGED WITH A FELONY IN A CIVIL COMMITMENT PROCEEDING AND TO REQUIRE THAT THE UNIFORM CIVIL COMMITMENT AFFIDAVIT AND THE CIVIL COMMITMENT GUIDE BE PROVIDED ONLINE; TO AMEND SECTION 41-21-67, MISSISSIPPI CODE OF 1972, TO REVISE TEMPORARY COMMITMENT AND TO DESIGNATE FIRST POINT-OF-ENTRY FOR PRE-EVALUATION SCREENING AND TREATMENT; TO AMEND SECTION 41-21-69, MISSISSIPPI CODE OF 1972, TO CONFORM THE PRETRIAL EXAMINATION OF A RESPONDENT; TO AMEND SECTION 41-21-71, MISSISSIPPI CODE OF 1972, TO CONFORM THE PROVISIONS PERTAINING TO DISMISSAL; TO AMEND SECTION 41-21-77, MISSISSIPPI CODE OF 1972, TO CONFORM PROVISIONS PERTAINING TO COMMITMENT TO A FACILITY; TO AMEND SECTION 41-21-79, MISSISSIPPI CODE OF 1972, TO PROHIBIT CHARGING EXCESS COSTS TO THE AFFIANT; TO CREATE NEW SECTION 41-21-104, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE CONTINUING JURISDICTION OF THE COURT OVER THE RESPONDENT AFTER RELEASE FROM MENTAL HEALTH TREATMENT; TO AMEND SECTION 41-31-1, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS IN THE CHAPTER DEALING WITH COMMITMENTS FOR DRUG AND ALCOHOL TREATMENT; TO AMEND SECTION 41-31-3, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A UNIFORM ALCOHOL AND DRUG COMMITMENT AFFIDAVIT AND A UNIFORM DRUG AND ALCOHOL COMMITMENT GUIDE AND TO ALLOW AN AFFIANT

TO PROCEED PRO SE; TO AMEND SECTION 41-31-5, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN OUTPATIENT TREATMENT OPTION WHEN APPROPRIATE AND TO AUTHORIZE REPRESENTATION FOR A RESPONDENT; TO AMEND SECTION 41-31-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THE TRANSFER OF ALCOHOLIC AND ADDICTED PATIENTS UNDER CERTAIN CIRCUMSTANCES; TO CREATE NEW SECTION 41-31-18, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CONTINUING JURISDICTION OF THE COURT OVER PERSONS COMMITTED TO TREATMENT AFTER RELEASE; TO AMEND SECTION 41-32-3, MISSISSIPPI CODE OF 1972, TO CONFORM THE PROVISIONS CONCERNING THE CONTENTS OF THE AFFIDAVIT; TO AMEND SECTION 41-32-5, MISSISSIPPI CODE OF 1972, TO CLARIFY THE RESPONDENT'S RIGHT TO REPRESENTATION; TO AMEND SECTIONS 41-32-7, 41-32-11, 25-31-11, 41-30-27 AND 99-43-35, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Hopson, Jackson (11th), Jordan, Jackson (32nd), Dearing, Branning

To: Judiciary, Division A

SENATE BILL NO. 2328
(As Sent to Governor)

AN ACT TO REQUIRE THE DEPARTMENT OF MENTAL HEALTH TO DEVELOP STANDARDS FOR CERTIFICATION OF PROVIDERS AUTHORIZED TO PERFORM MENTAL EXAMINATIONS FOR CRIMINAL DEFENDANTS AND TO PROVIDE TRAINING TO THE PROVIDERS; TO AMEND SECTION 99-13-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THE MENTAL EXAMINATION OF PERSONS CHARGED WITH A FELONY; TO AMEND SECTION 41-21-61, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS IN THE CHAPTER DEALING WITH COMMITMENT OF PERSONS IN NEED OF MENTAL HEALTH TREATMENT; TO AMEND SECTION 41-21-63, MISSISSIPPI CODE OF 1972, TO CLARIFY JURISDICTION OVER A PERSON WITH UNRESOLVED VIOLENT FELONY CHARGES WHOSE MENTAL COMPETENCY IS IN QUESTION AND TO REQUIRE CERTAIN NOTIFICATIONS UPON RELEASE OF THE PERSON FROM TREATMENT; TO AMEND SECTION 41-21-65, MISSISSIPPI CODE OF 1972, TO CLARIFY JURISDICTION OVER CERTAIN PERSONS CHARGED WITH A FELONY IN A CIVIL COMMITMENT PROCEEDING AND TO REQUIRE THAT THE UNIFORM CIVIL COMMITMENT AFFIDAVIT AND THE CIVIL COMMITMENT GUIDE BE PROVIDED ONLINE; TO AMEND SECTION 41-21-67, MISSISSIPPI CODE OF 1972, TO REVISE TEMPORARY COMMITMENT AND TO DESIGNATE FIRST POINT-OF-ENTRY FOR PRE-EVALUATION SCREENING AND TREATMENT; TO AMEND SECTION 41-21-69, MISSISSIPPI CODE OF 1972, TO CONFORM THE PRETRIAL EXAMINATION OF A RESPONDENT; TO AMEND SECTION 41-21-71, MISSISSIPPI CODE OF 1972, TO CONFORM THE PROVISIONS PERTAINING TO DISMISSAL; TO AMEND SECTION 41-21-77, MISSISSIPPI CODE OF 1972, TO CONFORM PROVISIONS PERTAINING TO COMMITMENT TO A FACILITY; TO AMEND SECTION 41-21-79, MISSISSIPPI CODE OF 1972, TO PROHIBIT CHARGING EXCESS COSTS TO THE AFFIANT; TO CREATE NEW SECTION 41-21-104, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE CONTINUING JURISDICTION OF THE COURT OVER THE RESPONDENT AFTER RELEASE FROM MENTAL HEALTH TREATMENT; TO AMEND SECTION 41-31-1, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS IN THE CHAPTER DEALING WITH COMMITMENTS FOR DRUG AND ALCOHOL TREATMENT; TO AMEND SECTION 41-31-3, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A UNIFORM ALCOHOL AND DRUG COMMITMENT AFFIDAVIT AND A UNIFORM DRUG AND ALCOHOL COMMITMENT GUIDE AND TO ALLOW AN AFFIANT TO PROCEED PRO SE; TO AMEND SECTION 41-31-5, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN OUTPATIENT TREATMENT OPTION WHEN APPROPRIATE AND TO AUTHORIZE REPRESENTATION FOR A RESPONDENT; TO AMEND SECTION 41-31-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THE TRANSFER OF ALCOHOLIC AND ADDICTED PATIENTS UNDER CERTAIN CIRCUMSTANCES; TO CREATE NEW SECTION 41-31-18, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CONTINUING JURISDICTION OF THE COURT OVER PERSONS COMMITTED TO TREATMENT AFTER RELEASE; TO AMEND SECTION 41-32-3, MISSISSIPPI CODE OF 1972, TO CONFORM THE PROVISIONS CONCERNING THE CONTENTS OF THE AFFIDAVIT; TO AMEND SECTION 41-32-5, MISSISSIPPI CODE OF 1972, TO CLARIFY THE RESPONDENT'S RIGHT TO REPRESENTATION; TO AMEND SECTIONS 41-32-7, 41-32-11, 25-31-11, 41-30-27 AND 99-43-35, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The Department of Mental Health shall develop standards for the training of psychiatrists and psychologists to perform mental examinations ordered under Section 99-13-11 and Rule 12 of the Rules of Criminal Procedure. The department shall provide training on the standards and maintain and publish a list of psychiatrists and psychologists who have completed training to perform such evaluations.

SECTION 2. Section 99-13-11, Mississippi Code of 1972, is amended as follows:

99-13-11. In any criminal action * * * in which the mental * * * competency of a person * * * charged with a felony is in question, the circuit or county court or judge in vacation on motion duly made by the defendant * * * or the district attorney, or on the motion of the court or judge, may order * * * the person to submit to a mental examination by a competent psychiatrist or psychologist selected by the court to determine his ability to make a defense; * * * any cost or expense in connection with such mental examination shall be paid by the county in which * * * the criminal action is pending.

SECTION 3. Section 41-21-61, Mississippi Code of 1972, is amended as follows:

41-21-61. As used in Sections 41-21-61 through 41-21-107, unless the context otherwise requires, the following terms defined have the meanings ascribed to them:

(a) "Appointed examiner" means a person appointed by the court under Section 41-21-67(2) to conduct a mental and physical examination of a person alleged to be in need of treatment.

(* * *b) "Chancellor" means a chancellor or a special master in chancery.

(* * *c) "Clerk" means the clerk of the chancery court.

(* * *d) "Director" means the chief administrative officer of a treatment facility or other employee designated by him as his deputy.

(* * *e) "Interested person" means an adult, including, but not limited to, a public official, and the legal guardian, spouse, parent, legal counsel, adult * * * child, next of kin, or other person designated by a proposed patient.

(* * *f) "Person with mental illness" means any person who has a substantial psychiatric disorder of thought, mood, perception, orientation, or memory which grossly impairs judgment, behavior, capacity to recognize reality, or to reason or understand, which (i) is manifested by instances of grossly disturbed behavior or faulty perceptions; and (ii) poses a substantial likelihood of physical harm to himself or others as demonstrated by (A) a recent attempt or threat to physically harm himself or others, or (B) a failure to provide necessary food, clothing, shelter or medical care for himself, as a result of the impairment. "Person with mental illness" includes a person who, based on treatment history and other applicable psychiatric indicia, is in need of treatment in order to prevent further disability or deterioration which would predictably result in dangerousness to himself or others when his current mental illness limits or negates his ability to make an informed decision to seek or comply with recommended treatment. "Person with mental illness" does not include a person having only one or more of the following conditions: (1) epilepsy, (2) an intellectual disability, (3) brief periods of intoxication caused by alcohol or drugs, (4) dependence upon or addiction to any alcohol or drugs, or (5) senile dementia.

(* * *g) "Person with an intellectual disability" means any person (i) who has been diagnosed as having substantial limitations in present functioning, manifested before age eighteen (18), characterized by significantly subaverage intellectual functioning, existing concurrently with related limitations in two (2) or more of the following applicable adaptive skill areas:

communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, and (ii) whose recent conduct is a result of having an intellectual disability and poses a substantial likelihood of physical harm to himself or others in that there has been (A) a recent attempt or threat to physically harm himself or others, or (B) a failure and inability to provide necessary food, clothing, shelter, safety or medical care for himself.

(* * *h) "Physician" means any person licensed by the State of Mississippi to practice medicine in any of its branches.

(* * *i) "Psychologist" * * * means a licensed psychologist who has been certified by the State Board of Psychological Examiners as qualified to perform examinations for the purpose of civil commitment.

(* * *j) "Treatment facility" means a hospital, community mental health center, or other institution qualified to provide care and treatment for persons with mental illness, persons with an intellectual disability or chemically dependent persons.

(* * *k) "Substantial likelihood of bodily harm" means that:

(i) The person has threatened or attempted suicide or to inflict serious bodily harm to himself; or

(ii) The person has threatened or attempted homicide or other violent behavior; or

(iii) The person has placed others in reasonable fear of violent behavior and serious physical harm to them; or

(iv) The person is unable to avoid severe impairment or injury from specific risks; and

(v) There is substantial likelihood that serious harm will occur unless the person is placed under emergency treatment.

SECTION 4. Section 41-21-63, Mississippi Code of 1972, is amended as follows:

41-21-63. (1) No person, other than persons charged with crime, shall be committed to a public treatment facility except under the provisions of Sections 41-21-61 through 41-21-107 or 43-21-611 or 43-21-315. However, nothing herein shall be construed to repeal, alter or otherwise affect the provisions of Section 35-5-31 or to affect or prevent the commitment of persons to the Veterans Administration or other agency of the United States under the provisions of and in the manner specified in those sections.

(2) (a) The chancery court, or the chancellor in vacation, shall have jurisdiction under Sections 41-21-61 through 41-21-107 except over persons with unresolved felony charges * * * unless paragraph (b) of this subsection applies.

(b) If a circuit court with jurisdiction over unresolved felony charges enters an order concluding that the person is incompetent to stand trial and is not restorable to competency in the foreseeable future, the matter should be referred to the chancery court to be subject to civil commitment procedures under Sections 41-21-61 through 41-21-107. The order of the circuit court shall be in lieu of the affidavit for commitment provided for in Section 41-21-65. The chancery court shall have jurisdiction and shall proceed with civil commitment procedures under Sections 41-21-61 through 41-21-107.

(3) The circuit court shall have jurisdiction under Sections 99-13-7, 99-13-9 and 99-13-11.

(4) Before the release of a person referred for civil commitment under this section and committed under Sections 41-21-61 through 41-21-107, the Department of Mental Health must notify the district attorney of the county where the offense was committed. The district attorney must notify the crime victim or a family member who has requested notification under Section 99-43-35 and the sheriffs of both the county where the offense was committed and the county of the committed person's destination.

SECTION 5. Section 41-21-65, Mississippi Code of 1972, is amended as follows:

41-21-65. (1) It is the intention of the Legislature that the filing of an affidavit under this section be a simple, inexpensive, uniform, and streamlined process for the purpose of facilitating and expediting the care of individuals in need of treatment.

(2) The Uniform Civil Commitment Affidavit developed by the Department of Mental Health under this section must be provided by the clerk of the chancery court to any party or affiant seeking a civil commitment under this section, and must be utilized in all counties to commence civil commitment proceedings under this section. The affidavit must be made available to the public on the website of the Mississippi Department of Mental Health.

(3) The Department of Mental Health, in consultation with the Mississippi Chancery Clerks Association, the Mississippi Conference of Chancery Court Judges and the Mississippi Association of Community Mental Health Centers, must develop a written guide setting out the steps in the commitment process no later than January 1, 2020. The guide shall be designated as the "Uniform Civil Commitment Guide" and must include, but not be limited to, the following:

(a) Steps in the civil commitment process from affidavit to commitment, written in easily understandable layman's terms;

(b) A schedule of fees and assessments that will be charged to commence a commitment proceeding under this section;

(c) Eligibility requirements and instructions for filing a pauper's affidavit; and

(d) A statement on the front cover of the guide advising that persons wishing to pursue a civil commitment under this section are not required to retain an attorney for any portion of the commitment process.

(4) Immediately upon availability, but no later than January 1, 2020, the Uniform Civil Commitment Guide must be provided by the clerk of the chancery court to any party or affiant seeking a civil commitment under this section and also must be made available to the public on the website of the Mississippi Department of Mental Health.

(* * *5) If any person is alleged to be in need of treatment, any relative of the person, or any interested person, may make affidavit of that fact and shall file the Uniform Civil Commitment Affidavit with the clerk of the chancery court of the county in which the person alleged to be in need of treatment resides * * *, but the chancellor or duly appointed special master may, in his or her discretion, hear the matter in the county in which the person may be found. * * * The affidavit shall set forth the name and address of the proposed patient's nearest relatives and whether the proposed patient resides or has visitation rights with any minor children, if known, and the reasons for the affidavit. The affidavit must contain factual descriptions of the proposed patient's recent behavior, including a description of the behavior, where it occurred, and over what period of time it occurred, if known. Each factual allegation may be supported by observations of witnesses named in the affidavit. * * * The Department of Mental Health, in consultation with the Mississippi Chancery Clerks' Association, shall develop a simple, one-page affidavit form for the use of affiants as provided in this * * * section. The affidavit also must state whether the affiant has consulted with a Community Mental Health Center or a physician to determine whether the alleged acts by the proposed respondent warrant civil commitment in lieu of other less-restrictive treatment options. No chancery clerk shall require an affiant to retain an attorney for the filing of an affidavit under this section.

(* * *6) The chancery clerk may charge * * * a total filing fee for all services equal to the amount set out in Section 25-7-9(o), and the appropriate state and county assessments as required by law which include, but are not limited to, assessments for the Judicial Operation Fund (Section 25-7-9(3)(b)); the Electronic Court System Fund (Section 25-7-9(3)(a)); the Civil Legal Assistance Fund (Section 25-7-9(1)(k)); the Court Education and Training Fund (Section 37-26-3); State Court Constituent's Fund (Section 37-26-9(4)); and reasonable court reporter's fee. Costs incidental to the court proceedings as set forth in Section 41-21-79 may not be included in the assessments permitted by this subsection. The total of the fees and assessments permitted by this subsection may not exceed One Hundred Fifty Dollars ($150.00).

(* * *7) The prohibition against charging the affiant other fees, expenses, or costs shall not preclude the imposition of monetary criminal penalties under Section 41-21-107 or any other criminal statute, or the imposition by the chancellor of monetary penalties for contempt if the affiant is found to have filed an intentionally false affidavit or filed the affidavit in bad faith for a malicious purpose.

(8) Nothing in this section shall be construed so as to conflict with Section 41-21-63.

SECTION 6. Section 41-21-67, Mississippi Code of 1972, is amended as follows:

41-21-67. (1) Whenever the affidavit provided for in Section 41-21-65 is filed with the chancery clerk, the clerk, upon direction of the chancellor of the court, shall issue a writ directed to the sheriff of the proper county to take into custody the person alleged to be in need of treatment and to * * * take the person * * * for pre-evaluation screening and treatment by the appropriate community mental health center established under Section 41-19-31. The community mental health center will be designated as the first point of entry for pre-evaluation screening and treatment. If the community mental health center is unavailable, any reputable licensed physician, psychologist, nurse practitioner or physician assistant, as allowed in the discretion of the court, may conduct the pre-evaluation screening and examination as set forth in Section 41-21-69. The order may provide where the person shall be held before * * * being taken for pre-evaluation screening and treatment. However, when the affidavit fails to set forth factual allegations and witnesses sufficient to support the need for treatment, the chancellor shall refuse to direct issuance of the writ. Reapplication may be made to the chancellor. If a pauper's affidavit is filed by an affiant who is a guardian * * * or conservator of a person in need of treatment, the court shall determine if either the * * * affiant or the person in need of treatment is a pauper and if, the * * * affiant or the person in need of treatment is determined to be a pauper, the county of the residence of the respondent shall bear the costs of commitment, unless funds for those purposes are made available by the state.

In any county in which a Crisis Intervention Team has been established under the provisions of Sections 41-21-131 through 41-21-143, the clerk, upon the direction of the chancellor, may require that the person be referred to the Crisis Intervention Team for appropriate psychiatric or other medical services before the issuance of the writ.

(2) Upon issuance of the writ, the chancellor shall immediately appoint and summon two (2) reputable, licensed physicians or one (1) reputable, licensed physician and either one (1) psychologist, nurse practitioner or physician assistant to conduct a physical and mental examination of the person at a place to be designated by the clerk or chancellor and to report their findings to the clerk or chancellor. However, any nurse practitioner or physician assistant conducting the examination

shall be independent from, and not under the supervision of, the other physician conducting the examination. A nurse practitioner or psychiatric nurse practitioner conducting an examination under this chapter must be functioning within a collaborative or consultative relationship with a physician as required under Section 73-15-20(3). In all counties in which there is a county health officer, the county health officer, if available, may be one (1) of the physicians so appointed. If a licensed physician is not available to conduct the physical and mental examination within forty-eight (48) hours of the issuance of the writ, the court, in its discretion and upon good cause shown, may permit the examination to be conducted by the following: (a) two (2) nurse practitioners, one (1) of whom must be a psychiatric nurse practitioner; or (b) one (1) psychiatric nurse practitioner and one (1) psychologist or physician assistant. Neither of the physicians nor the psychologist, nurse practitioner or physician assistant selected shall be related to that person in any way, nor have any direct or indirect interest in the estate of that person nor shall any full-time staff of residential treatment facilities operated directly by the State Department of Mental Health serve as examiner.

(3) The clerk shall ascertain whether the respondent is represented by an attorney, and if it is determined that the respondent does not have an attorney, the clerk shall immediately notify the chancellor of that fact. If the chancellor determines

that the respondent for any reason does not have the services of an attorney, the chancellor shall immediately appoint an attorney for the respondent at the time the examiners are appointed.

(4) If the chancellor determines that there is probable cause to believe that the respondent is mentally ill and that there is no reasonable alternative to detention, the chancellor may order that the respondent be retained as an emergency patient at any licensed medical facility for evaluation by a physician, nurse practitioner or physician assistant and that a peace officer transport the respondent to the specified facility. If the community mental health center serving the county has partnered with Crisis Intervention Teams under the provisions of Sections 41-21-131 through 41-21-143, the order may specify that the licensed medical facility be a designated single point of entry within the county or within an adjacent county served by the community mental health center. If the person evaluating the respondent finds that the respondent is mentally ill and in need of treatment, the chancellor may order that the respondent be retained at the licensed medical facility or any other available suitable location as the court may so designate pending an admission hearing. If necessary, the chancellor may order a peace officer or other person to transport the respondent to that facility or suitable location. Any respondent so retained may be given such treatment as is indicated by standard medical practice. However, the respondent shall not be held in a hospital operated

directly by the State Department of Mental Health, and shall not be held in jail unless the court finds that there is no reasonable alternative.

(5) (a) Whenever a licensed psychologist, nurse practitioner or physician assistant who is certified to complete examinations for the purpose of commitment or a licensed physician has reason to believe that a person poses an immediate substantial likelihood of physical harm to himself or others or is gravely disabled and unable to care for himself by virtue of mental illness, as defined in Section 41-21-61(e), then the physician, psychologist, nurse practitioner or physician assistant may hold the person or may admit the person to and treat the person in a licensed medical facility, without a civil order or warrant for a period not to exceed seventy-two (72) hours. However, if the seventy-two-hour period begins or ends when the chancery clerk's office is closed, or within three (3) hours of closing, and the chancery clerk's office will be continuously closed for a time that exceeds seventy-two (72) hours, then the seventy-two-hour period is extended until the end of the next business day that the chancery clerk's office is open. The person may be held and treated as an emergency patient at any licensed medical facility, available regional mental health facility, or crisis intervention center. The physician or psychologist, nurse practitioner or physician assistant who holds the person shall certify in writing the reasons for the need for holding.

If a person is being held and treated in a licensed medical facility, and that person decides to continue treatment by voluntarily signing consent for admission and treatment, the seventy-two-hour hold may be discontinued without filing an affidavit for commitment. Any respondent so held may be given such treatment as indicated by standard medical practice. Persons acting in good faith in connection with the detention and reporting of a person believed to be mentally ill shall incur no liability, civil or criminal, for those acts.

(b) Whenever an individual is held for purposes of receiving treatment as prescribed under paragraph (a) of this subsection, and it is communicated to the mental health professional holding the individual that the individual resides or has visitation rights with a minor child, and if the individual is considered to be a danger to the minor child, the mental health professional shall notify the Department of * * * Child Protection Services prior to discharge if the threat of harm continues to exist, as is required under Section 43-21-353.

This paragraph (b) shall be known and may be cited as the "Andrew Lloyd Law."

SECTION 7. Section 41-21-69, Mississippi Code of 1972, is amended as follows:

41-21-69. (1) (a) The * * * appointed examiners shall immediately make a full inquiry into the condition of the person alleged to be in need of treatment and shall make a mental examination and physical evaluation of the person, and * * * each examiner must make a report and certificate of * * * the findings of all mental and acute physical problems to the clerk of the court. * * * Each report and certificate * * * must set forth the facts as found by the * * * appointed examiner and * * * must state whether * * * the examiner is of the opinion that the proposed patient is suffering a disability defined in Sections 41-21-61 through 41-21-107 and should be committed to a treatment facility. The statement shall include the reasons for that opinion. The examination may be based upon a history provided by the patient and the report and certificate of findings shall include an identification of all mental and physical problems identified by the examination.

(b) If the * * * appointed examiner finds: (i) the respondent has mental illness; (ii) the respondent is capable of surviving safely in the community with available supervision from family, friends or others; (iii) based on the respondent's treatment history and other applicable medical or psychiatric indicia, the respondent is in need of treatment in order to prevent further disability or deterioration that would result in significant deterioration in the ability to carry out activities of daily living; and (iv) his or her current mental status or the nature of his or her illness limits or negates his or her ability to make an informed decision to seek voluntarily or comply with recommended treatment; the * * * appointed examiners shall so show on the examination report and certification and shall recommend outpatient commitment. The * * * appointed examiners shall also show the name, address and telephone number * * * of the proposed outpatient treatment physician or facility.

(2) The examinations shall be conducted and concluded within forty-eight (48) hours after the order for examination and appointment of attorney, and the certificates of the * * * appointed examiners shall be filed with the clerk of the court within that time, unless the running of that period extends into nonbusiness hours, in which event the certificates * * * must be filed at the beginning of the next business day. However, if the * * * appointed examiners are of the opinion that additional time to complete the examination is necessary, and this fact is communicated to the chancery clerk or chancellor, the clerk or chancellor shall have authority to extend the time for completion of the examination and the filing of the certificate, the extension to be not more than eight (8) hours.

(3) At the beginning of the examination, the respondent shall be told in plain language of the purpose of the examination, the possible consequences of the examination, of his or her right to refuse to answer any questions, and his or her right to have his or her attorney present.

SECTION 8. Section 41-21-71, Mississippi Code of 1972, is amended as follows:

41-21-71. If, as a result of the examination, the appointed examiners certify that the person is not in need of treatment, the chancellor or clerk shall dismiss the affidavit without the need for a further hearing. If the chancellor or chancery clerk finds, based upon the * * * appointed examiners' certificates and any other relevant evidence, that the respondent is in need of treatment and * * * the certificates are filed with the chancery clerk within forty-eight (48) hours after the order for examination, or extension of that time as provided in Section 41-21-69, the clerk shall immediately set the matter for a hearing. The hearing shall be set within seven (7) days of the filing of the certificates unless an extension is requested by the respondent's attorney. In no event shall the hearing be more than ten (10) days after the filing of the certificates.

SECTION 9. Section 41-21-77, Mississippi Code of 1972, is amended as follows:

41-21-77. If admission is ordered at a treatment facility, the sheriff, his or her deputy or any other person appointed or authorized by the court shall immediately deliver the respondent to the director of the appropriate facility. Neither the Board of Mental Health or its members, nor the Department of Mental Health or its related facilities, nor any employee of the Department of Mental Health or its related facilities, shall be appointed, authorized or ordered to deliver the respondent for treatment, and no person shall be so delivered or admitted until the director of the admitting institution determines that facilities and services are available. Persons who have been ordered committed and are awaiting admission may be given any such treatment in the facility by a licensed physician as is indicated by standard medical practice. Any county facility used for providing housing, maintenance and medical treatment for involuntarily committed persons pending their transportation and admission to a state treatment facility shall be certified by the State Department of Mental Health under the provisions of Section 41-4-7(kk). No person shall be delivered or admitted to any non-Department of Mental Health treatment facility unless the treatment facility is licensed and/or certified to provide the appropriate level of psychiatric care for persons with mental illness. It is the intent of this Legislature that county-owned hospitals work with regional community mental health/intellectual disability centers in providing care to local patients. The clerk shall provide the director of the admitting institution with a certified copy of the court order, a certified copy of the * * * appointed examiners' certificates, a certified copy of the affidavit, and any other information available concerning the physical and mental condition of the respondent. Upon notification from the United States Veterans Administration or other agency of the United States government, that facilities are available and the respondent is eligible for care and treatment in those facilities, the court may enter an order for delivery of the respondent to or retention by the Veterans Administration or other agency of the United States government, and, in those cases the chief officer to whom the respondent is so delivered or by whom he is retained shall, with respect to the respondent, be vested with the same powers as the director of the Mississippi State Hospital at Whitfield, or the East Mississippi State Hospital at Meridian, with respect to retention and discharge of the respondent.

SECTION 10. Section 41-21-79, Mississippi Code of 1972, is amended as follows:

41-21-79. The costs incidental to the court proceedings including, but not limited to, court costs, prehearing hospitalization costs, cost of transportation, reasonable physician's, psychologist's, nurse practitioner's or physician assistant's fees set by the court, and reasonable attorney's fees set by the court, shall be paid out of the funds of the county of residence of the respondent in those instances where the patient is indigent unless funds for those purposes are made available by the state. However, if the respondent is not indigent, those costs shall be taxed against the respondent or his or her estate. The total amount that may be charged for all of the costs incidental to the court proceedings shall not exceed Four Hundred Dollars ($400.00). Costs incidental to the court proceedings permitted under this section may not be charged to the affiant nor included in the fees and assessments permitted under Section 41-21-65(6).

SECTION 11. The following shall be codified as Section 41-21-104, Mississippi Code of 1972:

41-21-104. The court shall have continuing jurisdiction over a person committed to an inpatient or outpatient treatment program under this chapter for one (1) year after completion of the treatment program. During that time, the court, upon affidavit in the same cause of action, may conduct a hearing consistent with this chapter or Title 41, Chapter 31, Mississippi Code of 1972, to determine whether the person needs to be recommitted for further mental health treatment or to determine whether the person is in need of alcohol and drug treatment. Upon a finding by the court that the person is in need of further treatment, the court may commit the person to an appropriate treatment facility. The person subject to commitment must be afforded the due process to which he or she is entitled under Chapters 21 and 31 of Title 41, Mississippi Code of 1972. This section may not be construed so as to conflict with the provisions of Section 41-21-87.

SECTION 12. Section 41-31-1, Mississippi Code of 1972, is amended as follows:

41-31-1. As used in this chapter, the following words and phrases shall have the meanings * * * ascribed to them, unless the context requires a different meaning * * *:

(a) * * * "Alcoholic" * * * means any person who chronically and habitually uses alcoholic beverages to the extent that he has lost the power of self-control with respect to the use of such beverages, or any person who, while chronically under the influence of alcoholic beverages, endangers public morals, health, safety or welfare.

(b) "Alcoholic beverage" * * * means * * * alcoholic spirits, liquors, wines, beer, and every liquid or fluid, patented or not, containing alcoholic spirits, wine or beer, which is capable of being consumed by human beings and produces or results in intoxication in any form or degree.

(c) "Alcoholism" * * * means any condition of abnormal behavior or illness resulting directly or indirectly from the chronic and habitual use of alcoholic beverages.

(d) * * * "Drug addict" * * * means any person who chronically and habitually uses any form of habit-forming drugs, such as opioids, opiates and the derivatives thereof, barbiturates, and every tablet, powder, substance, liquid or fluid, patented or not, containing habit-forming drugs if same is capable of being used by human beings and produces drug addiction in any form or degree.

(e) "Drug addiction" * * * means * * * any condition of abnormal behavior or illness resulting directly or indirectly from the chronic and habitual use of habit-forming drugs.

(f) "Hospital" or "institution" * * * means either the Mississippi State Hospital, at Whitfield, Mississippi, or the East Mississippi State Hospital, at Meridian, Mississippi, and shall include the grounds thereof and the facilities used for the treatment of alcoholics and the drug addicts.

(g) "Medical director" * * * means the physician in charge of * * *: (i) Mississippi State Hospital, or (ii) East Mississippi State Hospital, as the case may be.

SECTION 13. Section 41-31-3, Mississippi Code of 1972, is amended as follows:

41-31-3. (1) The Department of Mental Health must develop a Uniform Alcohol and Drug Commitment Affidavit to be utilized in all counties to initiate commitment proceedings under Title 41, Chapters 30, 31 and 32, Mississippi Code of 1972. The Uniform Alcohol and Drug Commitment Affidavit must be provided by the clerk of the chancery court to any party or affiant seeking a civil commitment under this chapter and also must be made available to the public on the website of the Mississippi Department of Mental Health.

(2) The Department of Mental Health, in consultation with the Mississippi Chancery Clerks Association, the Mississippi Conference of Chancery Court Judges and the Mississippi Association of Community Mental Health Centers, must develop a written guide no later than January 1, 2020, setting out the steps in the commitment process. The guide shall be designated as the "Uniform Alcohol and Drug Commitment Guide" and shall include, but not be limited to, the following:

(a) Steps in the alcohol and drug commitment process from affidavit to commitment, written in easily understandable layman's terms;

(b) A schedule of fees and assessments that will be charged to commence a commitment proceeding under this chapter;

(c) Eligibility requirements and instructions for filing a pauper's affidavit; and

(d) A statement on the front cover of the guide advising that persons who pursue an alcohol and drug commitment under this chapter are not required to retain an attorney for any portion of the commitment process.

(3) As soon as available but no later than January 1, 2020, the Uniform Alcohol and Drug Commitment Guide must be provided by the clerk of the chancery court to any party or affiant seeking a civil commitment under this chapter, and also must be made available to the public on the website of the Mississippi Department of Mental Health.

(4) Proceedings for detention, care and treatment of any person alleged to be an alcoholic or drug addict may be initiated or instituted by such person's husband, wife, child, mother, father, next of kin, or by any friend or relative thereof, or by the county health officer. Such proceedings shall be instituted by the filing of * * * the Uniform Alcohol and Drug Commitment Affidavit in the chancery court of the county of such person's residence or of the county in which he may be found. It shall be

necessary that * * * the affidavit allege that such person is an alcoholic or drug addict, as the case may be, is a resident citizen of this state, and because of his alcoholism or drug addiction is incapable of or unfit to look after and conduct his affairs, or is dangerous to himself or others, or has lost the power of self-control because of periodic, constant or frequent use of alcoholic beverages or habit-forming drugs, and that he is in need of care and treatment, and that his detention, care and treatment at an institution will improve his health. A chancery clerk may not require an affiant to retain an attorney for the filing of an affidavit under this section. All proceedings authorized by this chapter may be had and conducted either in termtime or in vacation of said court.

SECTION 14. Section 41-31-5, Mississippi Code of 1972, is amended as follows:

41-31-5. (1) Whenever * * * an affidavit is filed, the chancellor of said court shall, by order, fix a time upon a day certain for the hearing thereof, either in termtime or in vacation, which hearing shall be fixed not less than five (5) days nor more than twenty (20) days from the filing of * * * the affidavit. The person alleged to be an alcoholic or drug addict shall be served with a citation to appear at said hearing not less than three (3) days prior to the day fixed for said hearing, and there shall be served with such citation a true and correct copy of * * * the affidavit.

(2) The clerk must ascertain whether the respondent is represented by an attorney, and if it is determined that the respondent does not have an attorney, the clerk immediately must notify the chancellor of that fact. If the chancellor determines that the respondent for any reason does not have the services of an attorney, the chancellor shall appoint an attorney for the respondent before a hearing on the affidavit.

(3) At the time fixed, the chancellor shall hear evidence on * * * the affidavit, with or without the presence of the alleged alcoholic or drug addict, and all persons interested shall have the right to appear and present evidence touching upon the truth and correctness of the allegations of * * * the affidavit. The said chancellor, in his discretion, may require that the alleged alcoholic or drug addict be examined by the county health officer or by such other competent physician or physicians as the chancellor may select, and may consider the results of such examination in reaching a decision in said matter.

(4) If the alleged alcoholic or drug addict shall admit the truth and correctness of the allegations of * * * the affidavit, or if the chancellor should find from the evidence that such person is an alcoholic or drug addict, and is in need of detention, care and treatment in an institution, and that the other material allegations of said petition are true, then he shall enter an order so finding, and shall order that such person be remanded and committed to and confined in the proper state

institution under this chapter or a private treatment facility under the provisions of Title 41, Chapter 32, Mississippi Code of 1972, or, in the case of an alcoholic to an approved public or private treatment facility pursuant to the provisions of Title 41, Chapter 30 * * *, Mississippi Code of 1972, for care and treatment for a period of not less than thirty (30) days nor more than ninety (90) days as the necessity of the case may, in his discretion, require. However, when such person shall be so committed, the medical director of the said institution shall be vested with full discretion as to the treatment and discharge of such person, and may discharge and release such person at any time when the condition of such person shall so justify.

(5) (a) If the chancellor determines under this section that the alleged alcoholic or drug addict is in need of care and treatment but also affirmatively finds that the alleged alcoholic or drug addict would benefit from the less restrictive option of an outpatient treatment program, the chancellor, in his discretion and upon agreement of both the affiant and the person in need of treatment, may order the alleged alcoholic or drug addict into an outpatient treatment program.

(b) If the order directs outpatient treatment, the outpatient treatment provider may prescribe or administer to the respondent treatment consistent with accepted alcohol and drug abuse treatment standards. If the respondent fails or clearly refuses to comply with outpatient treatment, the director of the treatment program, his designee or an interested person must make all reasonable efforts to solicit the respondent's compliance. These efforts must be documented and, if the respondent fails or clearly refuses to comply with outpatient treatment after the efforts are made, the efforts must be documented with the court by affidavit. Upon the filing of the affidavit, the sheriff of the proper county may take the respondent into custody. The chancellor thereafter may order the respondent to inpatient treatment as soon as a treatment facility is available.

(c) The respondent may request a hearing within ten (10) days of commitment to inpatient treatment by filing a written request with the chancery clerk of the committing court, or the respondent may request such a hearing in writing to any member of the professional staff of the treatment facility, which must be forwarded to the director and promptly filed with the chancery clerk of the committing court. The respondent must be advised of the right to request such a hearing and of the right to consult a lawyer.

SECTION 15. Section 41-31-11, Mississippi Code of 1972, is amended as follows:

41-31-11. The medical director of the Mississippi State Hospital or the East Mississippi State Hospital may, subject to the regulations of the board of trustees of mental institutions, transfer alcoholics or drug addicts from one institution used for the commitment of alcoholics and drug addicts to another institution, or from one department in any institution to another as is deemed necessary for their care and treatment. The medical director must provide the committing court with written notification of the transfer, including the name of the facility or program to which the alcoholic or addict is transferred.

SECTION 16. The following shall be codified as Section 41-31-18, Mississippi Code of 1972:

41-31-18. The court shall have continuing jurisdiction over a person committed to an inpatient or outpatient treatment program under this chapter for one (1) year after completion of the treatment program. During that time and upon affidavit in the same cause of action, the court may conduct a hearing consistent with this chapter or Title 41, Chapter 21, Mississippi Code of 1972, to determine whether the person needs to be recommitted for further alcohol and drug treatment or to determine whether the person suffers from a mental or nervous condition or affliction requiring commitment for mental health treatment. Upon a finding by the court that the person is in need of further treatment, the court may commit the person to an appropriate treatment facility. The person subject to commitment must be afforded the due process entitled to him or her under Title 41, Chapters 21 and 31, Mississippi Code of 1972. This section may not be construed so as to conflict with the provisions of Section 41-21-87.

SECTION 17. Section 41-32-3, Mississippi Code of 1972, is amended as follows:

41-32-3. Any interested person may file a * * * Uniform Alcohol and Drug Commitment Affidavit with the chancery court for a judgment of committal in termtime or in vacation. The * * * affidavit shall state facts to establish: (a) the defendant is an alcoholic or drug addict, i.e., he is powerless over alcohol or drugs, or both, and his life has thereby become unmanageable; (b) defendant's mental and physical health, his continued family life or his position in the community are dependent on his treatment at a chemical dependency unit, alcohol and drug unit, outpatient house or another private treatment facility, or combination of facilities, providing treatment for chemically dependent persons; (c) the defendant has refused to commit himself to such private treatment facility, though having been requested so to do by persons who genuinely care for his well-being; (d) the * * * affiant has selected a particular private treatment facility which, if located in this state, has been approved by the Department of Mental Health, Division of Alcohol and Drug Abuse; (e) the * * * affiant has made adequate financial arrangements for defendant's treatment at such facility; and (f) such facility has approved the admission of the defendant, subject to commitment by the chancery court.

SECTION 18. Section 41-32-5, Mississippi Code of 1972, is amended as follows:

41-32-5. (1) The chancellor shall schedule with the affiant a time on a day certain for the hearing thereof, not less than five (5) days nor more than twenty (20) days from the filing of the * * * affidavit. The case shall be triable upon three (3) days' service of process and service of notice of the time for the hearing. At the time fixed, the chancellor shall hear the evidence in the presence of the defendant if he will appear, and without the presence of the defendant if he will not appear, and all persons interested shall have the right to appear and present evidence touching upon the truth and correctness of the allegations of the * * * affidavit.

(2) The clerk must ascertain whether the respondent is represented by an attorney, and if it is determined that the respondent does not have an attorney, the clerk immediately must notify the chancellor of that fact. If the chancellor determines that the respondent for any reason does not have the services of an attorney, the chancellor must appoint an attorney for the respondent before a hearing on the affidavit.

(3) If the defendant admits the truth and correctness of the allegations of the * * * affidavit, or if the chancellor shall find from the evidence that the defendant is an alcoholic or drug addict, or both, and is in need of detention, care and treatment in a private treatment facility, and that the other material allegations of the * * * affidavit are true, then the chancellor shall enter a judgment so finding, and shall order that such person be committed to and confined in a chemical dependency unit, alcohol and drug unit, outpatient house or any other private

treatment facility, within or outside the state, for the treatment of chemically dependent persons, as the chancellor, in his discretion, deems to be in the best interest of the defendant. Any such order for the commitment of the defendant shall require that the defendant be committed for such period of time as the chancellor shall determine, in his discretion, as is necessary to provide for the care and treatment of the defendant or for such other period of time as may be established by authorized personnel at the designated facility or facilities; * * * however, in no event shall such period of confinement extend beyond a period of eight (8) months. The chancellor may require treatment at a combination of facilities or may designate commitment at an inpatient facility for not more than two (2) months and an outpatient facility for not more than six (6) months, subject to institutional earlier release.

SECTION 19. Section 41-32-7, Mississippi Code of 1972, is amended as follows:

41-32-7. Upon allegation in the * * * affidavit and upon clear and convincing proof that the defendant is under the influence of alcohol or drugs, or both, to the extent that if the defendant is served with process he will, in all likelihood, flee the jurisdiction of the court or physically harm himself or others, then the chancellor may, in his discretion, set the matter for hearing not more than five (5) days, excluding Saturdays, Sundays and legal holidays, from the filing of the * * * affidavit, and order the defendant committed and confined, without notice, until the hearing, to a chemical dependency unit, alcohol and drug unit, outpatient house or any other private facility for the treatment of chemically dependent persons.

SECTION 20. Section 41-32-11, Mississippi Code of 1972, is amended as follows:

41-32-11. The chancellor may order assistance by the sheriff of the county, or any other county in confining and transporting the defendant to the facility, at the expense of * * * the committing county.

SECTION 21. Section 25-31-11, Mississippi Code of 1972, is amended as follows:

25-31-11. (1) It shall be the duty of the district attorney to represent the state in all matters coming before the grand juries of the counties within his district and to appear in the circuit courts and prosecute for the state in his district all criminal prosecutions and all civil cases in which the state or any county within his district may be interested; but if two (2) or more counties are adversely interested, the district attorney shall not represent either. Any district attorney may also institute and prosecute to final judgment or decree any case in the name of the state against any person or corporation for any violation of the Constitution or the laws of this state, in order to enforce any penalties, fines or forfeitures imposed by law in any court of his district having jurisdiction, with like effect as if the suit was instituted by the Attorney General. Any district attorney may also institute and prosecute to final judgment or decree any case in which prosecution was deferred due to a finding that the defendant was incompetent to stand trial if the case is otherwise triable.

(2) The district attorney may transfer any case handled by him to a county prosecuting attorney when charges in such case no longer constitute a felony.

(3) The validity of any judgment or sentence shall not be affected by the division of jurisdiction under this section, and no judgment or sentence may be reversed or modified upon the basis that the case was not processed according to this section.

(4) A county prosecuting attorney or municipal prosecuting attorney may be designated by the district attorney to appear on behalf of the district attorney pursuant to an agreement relating to appearances in certain courts or proceedings in the county of the county prosecuting attorney or in the municipality of the municipal prosecuting attorney. Such agreement shall be filed with the circuit court clerk of any county where such agreement shall be operative. Such agreement shall be binding upon the district attorney and county prosecuting attorney or municipal prosecuting attorney until dissolved by either of them in writing upon five (5) days' notice.

(5) Where any statute of this state confers a jurisdiction, responsibility, duty, privilege or power upon a county attorney or

county prosecuting attorney, either solely, jointly or alternatively with a district attorney, such county prosecuting attorney shall be responsible for the prosecution, handling, appearance, disposition or other duty conferred by such statute. Any such provision shall not be construed to bestow such responsibility, jurisdiction or power upon the district attorney where there is no elected county prosecuting attorney, and any such matter shall be handled pursuant to Section 19-3-49, Mississippi Code of 1972.

(6) The district attorney or his designated assistant, or the county prosecuting attorney or his designated assistant, shall assist the Attorney General in appeals from his district to the Mississippi Supreme Court and in other post judgment proceedings, and shall appear for oral argument before the Supreme Court when directed by the Supreme Court.

(7) The several district attorneys shall submit reports of revenues and expenditures and shall submit budget requests as required for State General Fund agencies. For purposes of budget control, the several offices of district attorney shall be considered General Fund agencies and the budget and accounts of the several offices, including salaries, travel expenses, office expenses and any other expenditures or revenues, shall be consolidated for all districts as far as such consolidation is practical.

All revenue or funds allocated or expended by a district attorney, whether such funds are appropriated from state funds, or whether such funds are received from county funds, grants or otherwise, shall be reported to the Legislative Budget Office.

(8) A district attorney shall be authorized to assign the duties of employees regardless of the source of funding for such employees.

SECTION 22. Section 41-30-27, Mississippi Code of 1972, is amended as follows:

41-30-27. (1) (a) A person may be admitted to an approved public or private treatment facility for emergency care and treatment upon a decree of the chancery court accepting an application for admission thereto accompanied by the certificate of two (2) licensed physicians. The application shall be to the chancery court of the county of such person's residence and may be made by any one (1) of the following: Either certifying physician, the patient's spouse or guardian, any relative of the patient, or any other person responsible for health, safety or welfare of all or part of the citizens within said chancery court's territorial jurisdiction. The application shall state facts to support the need for immediate commitment, including factual allegations showing that the person to be committed has threatened, attempted or actually inflicted physical harm upon himself or another. The physicians' certificates shall state that they examined the person within two (2) days of the certificate date and shall set out the facts to support the physicians' conclusion that the person is an alcoholic or drug addict who has lost the power of self-control with respect to the use of alcoholic beverages or habit-forming drugs and that unless immediately committed he is likely to inflict physical harm upon himself or others. A hearing on such applications shall be heard by the chancery court in term time or in vacation, and the hearing shall be held in the presence of the person sought to be admitted unless he fail or refuse to attend. Notice of the hearing shall be given to the person sought to be admitted, as soon as practicable after the examination by the certifying physicians, and the person sought to be admitted shall have an opportunity to be represented by counsel, and shall be entitled to have compulsory process for the attendance of witnesses.

(b) For the purpose of this section, the term "drug addict" shall have the meaning ascribed to it by Section 41-31-1(d).

(2) The chancery judge may refuse an application if in his opinion the application and certificate fail to sustain the grounds for commitment. Upon acceptance of the application after hearing thereon and decree sustaining the application by the judge, the person shall be transported to the facility by a peace officer, health officer, the applicant for commitment, the patient's spouse or the patient's guardian. The person shall be retained at the facility that admitted him, or be transferred to

any other appropriate treatment resource, until discharged pursuant to subsection (3).

(3) The attending physician shall discharge any person committed pursuant to this section when he determines that the grounds for commitment no longer exist, but no person committed pursuant to this section shall be retained in any facility for more than five (5) days.

(4) The application filed pursuant to subsection (1) of this section shall also contain * * * an affidavit for involuntary commitment pursuant to Title 41, Chapter 31, Mississippi Code of 1972. If the application for emergency involuntary commitment is accepted under subsection (2) of this section, the chancery judge shall order a hearing on the * * * affidavit for commitment pursuant to Title 41, Chapter 31, Mississippi Code of 1972, to be held on the fifth day of such involuntary emergency commitment, the provisions of Section 41-31-5 regarding the time of hearing to the contrary notwithstanding; provided, however, that at the time of such involuntary commitment the alleged alcoholic or drug addict shall be served with a citation to appear at said hearing and shall have an opportunity to be represented by counsel.

SECTION 23. Section 99-43-35, Mississippi Code of 1972, is amended as follows:

99-43-35. The victim has the right to the following information:

(a) As soon as practicable after the date of sentencing, the office of the prosecuting attorney shall notify the victim of the sentence imposed on the defendant.

(b) The names, addresses and telephone numbers of the appropriate agencies and departments to whom request for notice should be provided.

(c) The status of any post-conviction court review or appellate proceeding or any decisions arising from those proceedings shall be furnished to the victim by the Office of the Attorney General or the office of the district attorney, whichever is appropriate, within five (5) business days after the status is known.

(d) Upon any post-arrest release of the defendant, the sheriff or municipal jailer shall, upon request, notify the victim of the release of the defendant. In the case of domestic violence or sexual assault, the appropriate law enforcement agency shall make a reasonable attempt to notify the victim of the defendant's post-arrest release, regardless of the victim's exercise of the right to receive this information.

(e) The agency having physical custody of a prisoner shall, if provided a request for notice, and as soon as practicable, give notice to the victim of the escape and, subsequently, the return of the prisoner into custody.

(f) Upon receiving notice from the Department of Mental Health of the release of a person who was civilly committed under

Section 41-21-63 as a person with unresolved felony charges found incompetent to stand trial, the office of the prosecuting attorney must notify a victim or victim representative who has complied with Section 99-43-9.

SECTION 24. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2491

Description: Drug courts; revise time frame of recertification.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

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   1  01/21   (S) Referred To Judiciary, Division A
   2  01/29   (S) Title Suff Do Pass
   3  02/06   (S) Passed {Vote}
   4  02/07   (S) Transmitted To House
   5  02/19   (H) Referred To Judiciary A
   6  02/26   (H) Title Suff Do Pass
   7  03/12   (H) Passed {Vote}
   8  03/13   (H) Returned For Enrolling
   9  03/21   (S) Enrolled Bill Signed
  10  03/21   (H) Enrolled Bill Signed
  11  03/28   Approved by Governor
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Code Section: A 009-0023-0011

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: Hopson

Title: AN ACT TO AMEND SECTION 9-23-11, MISSISSIPPI CODE OF 1972, TO REVISE THE TIME FRAME WITHIN WHICH THE CERTIFICATION AND RECERTIFICATION OF DRUG COURTS WILL OCCUR SO AS TO ALTERNATE BETWEEN EVEN AND ODD YEARS TO BETTER DISTRIBUTE THE WORKLOAD OF THE ADMINISTRATIVE OFFICE OF COURTS AND INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE REVIEW PROCESS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Hopson To: Judiciary, Division A

SENATE BILL NO. 2491

AN ACT TO AMEND SECTION 9-23-11, MISSISSIPPI CODE OF 1972, TO REVISE THE TIME FRAME WITHIN WHICH THE CERTIFICATION AND RECERTIFICATION OF DRUG COURTS WILL OCCUR SO AS TO ALTERNATE BETWEEN EVEN AND ODD YEARS TO BETTER DISTRIBUTE THE WORKLOAD OF THE ADMINISTRATIVE OFFICE OF COURTS AND INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE REVIEW PROCESS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 9-23-11, Mississippi Code of 1972, is amended as follows:

9-23-11. (1) The Administrative Office of Courts shall establish, implement and operate a uniform certification process for all drug courts and other problem-solving courts including juvenile courts, veterans courts or any other court designed to adjudicate criminal actions involving an identified classification of criminal defendant to ensure funding for drug courts supports effective and proven practices that reduce recidivism and substance dependency among their participants.

(2) The Administrative Office of Courts shall establish a certification process that ensures any new or existing drug court meets minimum standards for drug court operation.

(a) These standards shall include, but are not limited to:

(i) The use of evidence-based practices including, but not limited to, the use of a valid and reliable risk and needs assessment tool to identify participants and deliver appropriate interventions;

(ii) Targeting medium to high-risk offenders for participation;

(iii) The use of current, evidence-based interventions proven to reduce dependency on drugs or alcohol, or both;

(iv) Frequent testing for alcohol or drugs;

(v) Coordinated strategy between all drug court program personnel involving the use of graduated clinical interventions;

(vi) Ongoing judicial interaction with each participant; and

(vii) Monitoring and evaluation of drug court program implementation and outcomes through data collection and reporting.

(b) Drug court certification applications shall include:

(i) A description of the need for the drug court;

(ii) The targeted population for the drug court;

(iii) The eligibility criteria for drug court participants;

(iv) A description of the process for identifying appropriate participants including the use of a risk and needs assessment and a clinical assessment;

(v) A description of the drug court intervention components including anticipated budget and implementation plan;

(vi) The data collection plan which shall include collecting the following data:

1. Total number of participants;

2. Total number of successful participants;

3. Total number of unsuccessful participants and the reason why each participant did not complete the program;

4. Total number of participants who were arrested for a new criminal offense while in the drug court program;

5. Total number of participants who were convicted of a new felony or misdemeanor offense while in the drug court program;

6. Total number of participants who committed at least one (1) violation while in the drug court program and the resulting sanction(s);

7. Results of the initial risk and needs assessment or other clinical assessment conducted on each participant; and

8. Any other data or information as required by the Administrative Office of Courts.

(c) Every drug court shall be certified under the following schedule:

(i) A drug court application submitted after July 1, 2014, shall require certification of the drug court based on the proposed drug court plan * * *.

(ii) A drug court initially established and certified after July 1, 2014, shall be recertified after its second year of funded operation * * * on a time frame consistent with the other certified courts of its type.

(iii) A certified adult felony drug court in existence on * * * December 31, 2018, must submit a * * * recertification petition * * * by July 1, 2019, and be * * * recertified under the requirements of this section * * * on or before December 31, 2019; after the recertification, all certified adult felony drug courts must submit a recertification petition every two (2) years to the Administrative Office of Courts. The recertification process must be completed by December 31st of every odd calendar year.

(iv) * * * A certified youth, family, misdemeanor or chancery drug court in existence on December 31, 2018, must submit a recertification petition by July 31, 2020, and be recertified under the requirements of this section by December 31, 2020. After the recertification, all certified youth, family, misdemeanor and chancery drug courts must submit a recertification petition every two (2) years to the Administrative Office of Courts * * *. The recertification process must be completed by December 31st of every even calendar year.

(3) All certified drug courts shall measure successful completion of the drug court based on those participants who complete the program without a new criminal conviction.

(4) (a) All certified drug courts must collect and submit to the Administrative Office of Courts each month, the following data:

(i) Total number of participants at the beginning of the month;

(ii) Total number of participants at the end of the month;

(iii) Total number of participants who began the program in the month;

(iv) Total number of participants who successfully completed the drug court in the month;

(v) Total number of participants who left the program in the month;

(vi) Total number of participants who were arrested for a new criminal offense while in the drug court program in the month;

(vii) Total number of participants who were convicted for a new criminal arrest while in the drug court program in the month; and

(viii) Total number of participants who committed at least one (1) violation while in the drug court program and any resulting sanction(s).

(b) By August 1, 2015, and each year thereafter, the Administrative Office of Courts shall report to the PEER Committee the information in subsection (4)(a) of this section in a sortable, electronic format.

(5) All certified drug courts may individually establish rules and may make special orders and rules as necessary that do not conflict with the rules promulgated by the Supreme Court or the Administrative Office of Courts.

(6) A certified drug court may appoint the full- or part-time employees it deems necessary for the work of the drug court and shall fix the compensation of those employees. Such employees shall serve at the will and pleasure of the judge or the judge's designee.

(7) The Administrative Office of Courts shall promulgate rules and regulations to carry out the certification and re-certification process and make any other policies not inconsistent with this section to carry out this process.

(8) A certified drug court established under this chapter is subject to the regulatory powers of the Administrative Office of Courts as set forth in Section 9-23-17.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2541

Description: Budget process; bring forward various sections relating to.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

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  1  01/21   (S) Referred To Appropriations
  2  01/31   (S) Title Suff Do Pass
  3  02/06   (S) Passed {Vote}
  4  02/07   (S) Transmitted To House
  5  02/19   (H) Referred To Appropriations
  6  02/27   (H) Title Suff Do Pass As Amended
  7  03/06   (H) Amended
  8  03/06   (H) Passed As Amended {Vote}
  9  03/07   (H) Returned For Concurrence
 10  03/20   (S) Decline to Concur/Invite Conf
 11  03/22   (S) Conferees Named Clarke,Hopson,Simmons
                 (13th)
 12  03/22   (H) Conferees Named
                 Read,Cockerham,Huddleston
 13  03/27   (H) Conference Report Filed
 14  03/27   (S) Conference Report Filed
 15  03/28   (H) Conference Report Adopted {Vote}
 16  03/28   (S) Conference Report Adopted {Vote}
 17  04/02   (S) Enrolled Bill Signed
 18  04/02   (H) Enrolled Bill Signed
 19  04/03   Due From Governor 04/20/19
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Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2541

Conference Reports:
| Conference Report
| Conference Report # 1

Code Section: A 043-0013-0407

----- Additional Information -----

Senate Committee: Appropriations
House Committee: Appropriations

Principal Author: Clarke

Title: AN ACT TO PROVIDE FOR CERTAIN TRANSFERS TO THE CAPITAL EXPENSE FUND DURING FISCAL YEAR 2019; TO PROVIDE FOR CERTAIN TRANSFERS FROM THE CAPITAL EXPENSE FUND TO THE 2018 TRANSPORTATION AND INFRASTRUCTURE IMPROVEMENTS FUND; TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE HEALTH CARE EXPENDABLE FUND; TO AUTHORIZE THE ESCALATION OF FUNDS FOR THE VARIABLE COMPENSATION PLAN OR PAY INCREASES FOR SPECIFIED AGENCIES; TO AMEND SECTIONS 2 AND 3, Chapter 57, LAWS OF 2018, WHICH PROVIDES FOR THE PAYMENT OF DEBT; TO AMEND SECTION 3, CHAPTER 99, LAWS OF 2018, WHICH TRANSFERS CERTAIN AMOUNTS IN THE FISCAL YEAR 2018 APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY AMONG VARIOUS CATEGORIES; AND TO TRANSFER FUNDS TO THE MISSISSIPPI FORESTRY COMMISSION OPERATING FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Clarke To: Appropriations

SENATE BILL NO. 2541
(As Sent to Governor)

AN ACT TO PROVIDE FOR CERTAIN TRANSFERS TO THE CAPITAL EXPENSE FUND DURING FISCAL YEAR 2019; TO PROVIDE FOR CERTAIN TRANSFERS FROM THE CAPITAL EXPENSE FUND TO THE 2018 TRANSPORTATION AND INFRASTRUCTURE IMPROVEMENTS FUND; TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE HEALTH CARE EXPENDABLE FUND; TO AUTHORIZE THE ESCALATION OF FUNDS FOR THE VARIABLE COMPENSATION PLAN OR PAY INCREASES FOR SPECIFIED AGENCIES; TO AMEND SECTIONS 2 AND 3, Chapter 57, LAWS OF 2018, WHICH PROVIDES FOR THE PAYMENT OF DEBT; TO AMEND SECTION 3, CHAPTER 99, LAWS OF 2018, WHICH TRANSFERS CERTAIN AMOUNTS IN THE FISCAL YEAR 2018 APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY AMONG VARIOUS CATEGORIES; AND TO TRANSFER FUNDS TO THE MISSISSIPPI FORESTRY COMMISSION OPERATING FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. During fiscal year 2019, the State Fiscal Officer shall transfer from the General Fund (Fund No. 2999000000) Seventeen Million Six Hundred Fifty-eight Thousand Three Hundred Thirty-six Dollars ($17,658,336.00) to the Capital Expense Fund (Fund No. 6499C00000).

SECTION 2. During Fiscal Year 2020, the State Fiscal Officer shall transfer from the Capital Expense Fund (Fund No. 6499C00000) Seventeen Million Dollars ($17,000,000.00) to the 2018

Transportation and Infrastructure Improvements Fund (Fund No. 3316000000).

SECTION 3. Section 43-13-407, Mississippi Code of 1972, is amended as follows:

43-13-407. (1) In accordance with the purposes of this article, there is established in the State Treasury the Health Care Expendable Fund, into which shall be transferred from the Health Care Trust Fund the following sums:

(a) In fiscal year 2005, Four Hundred Fifty-six Million Dollars ($456,000,000.00);

(b) In fiscal year 2006, One Hundred Eighty-six Million Dollars ($186,000,000.00);

(c) In fiscal year 2007, One Hundred Eighty-six Million Dollars ($186,000,000.00);

(d) In fiscal year 2008, One Hundred Six Million Dollars ($106,000,000.00);

(e) In fiscal year 2009, Ninety-two Million Two Hundred Fifty Thousand Dollars ($92,250,000.00);

(f) In the fiscal year beginning after the calendar year in which none of the amount of the annual tobacco settlement installment payment will be deposited into the Health Care Expendable Fund as provided in subsection (3)(d) of this section, and in each fiscal year thereafter, a sum equal to the average annual amount of the dividends, interest and other income, including increases in value of the principal, earned on the funds in the Health Care Trust Fund during the preceding four (4) fiscal years.

(2) In any fiscal year in which interest, dividends and other income from the investment of the funds in the Health Care Trust Fund are not sufficient to fund the full amount of the annual transfer into the Health Care Expendable Fund as required in subsection (1)(f) of this section, the State Treasurer shall transfer from tobacco settlement installment payments an amount that is sufficient to fully fund the amount of the annual transfer.

(3) Beginning with calendar year 2009, at the time that the State of Mississippi receives the tobacco settlement installment payment for each calendar year, the State Treasurer shall deposit the following amounts of each of those installment payments into the Health Care Expendable Fund:

(a) In calendar years 2009 and 2010, the total amount of the installment payment;

(b) In calendar year 2011, the amount of the installment payment less Ten Million Dollars ($10,000,000.00);

(c) In calendar years 2012, 2013 and 2014, the total amount of the installment payment;

(d) In calendar year 2015, and each calendar year thereafter, the total amount of the installment payment.

(4) (a) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care

Expendable Fund, the sum of One Hundred Twelve Million Dollars ($112,000,000.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund in fiscal year 2011.

(b) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Fifty-six Million Two Hundred Sixty-three Thousand Four Hundred Thirty-eight Dollars ($56,263,438.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2012.

(c) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Ninety-seven Million Four Hundred Fifty Thousand Three Hundred Thirty-two Dollars ($97,450,332.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2013.

(d) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Twenty-three Million One Hundred Thousand Dollars ($23,100,000.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2014.

(e) The State Fiscal Officer shall transfer the entire balance in the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2015.

(5) If Medicaid expenditures are projected to exceed the amount of funds appropriated to the Division of Medicaid in any fiscal year in excess of the expenditure reductions to providers, funds shall be transferred by the State Fiscal Officer from the Health Care Trust Fund into the Health Care Expendable Fund and then to the Governor's Office, Division of Medicaid, in the amount and at such time as requested by the Governor to reconcile the deficit.

(6) All income from the investment of the funds in the Health Care Expendable Fund shall be credited to the account of the Health Care Expendable Fund. Any funds in the Health Care Expendable Fund at the end of a fiscal year shall not lapse into the State General Fund. Any funds appropriated from the Health Care Expendable Fund that are unexpended at the end of a fiscal year shall lapse into the Health Care Expendable Fund.

(7) The funds in the Health Care Expendable Fund shall be available for expenditure under specific appropriation by the Legislature beginning in fiscal year 2000, and shall be expended exclusively for health care purposes.

(8) The provisions of subsection (1) of this section may not be changed in any manner except upon amendment to that subsection by a bill enacted by the Legislature with a vote of not less than three-fifths (3/5) of the members of each house present and voting.

(9) If the State Treasurer, in consultation with the Executive Director of the Department of Finance and Administration, determines that there is a need to borrow funds to offset any temporary cash-flow deficiencies in the Health Care Expendable Fund created in this section, the Treasurer may borrow those funds from any state-source special funds in the State Treasury in amounts that can be repaid from the Health Care Expendable Fund during the fiscal year in which the funds are borrowed. The State Treasurer shall immediately notify the Legislative Budget Office and the Department of Finance and Administration of each transfer into and out of the Health Care Expendable Fund.

(10) No later than September 30, 2011, the State Treasurer shall transfer from the Health Care Expendable Fund to the Health Care Trust Fund an amount equivalent to the unencumbered ending cash balance of the Health Care Expendable Fund as of June 30, 2011, less Three Million Eight Hundred Forty Thousand Dollars ($3,840,000.00).

(11) Subsections (1), (2), (3), (5), (6) and (7) of this section shall stand repealed on July 1, * * * 2022.

SECTION 4. (1) It is the intent of the Legislature that the agencies listed in subsection (2) of this section shall have the authority to expend funds from any source that may become available to the agency in fiscal year 2020 in accordance with the rules and regulations of the Department of Finance and

Administration in a manner consistent with the escalation of federal funds for the purpose of funding a pay increase, salary realignment and/or funding an adjustment to the Variable Compensation Plan to ensure that all full-time employees receive up to a three percent (3%) pay increase to the realignment component of the Variable Compensation Plan, excluding head of agencies, board members and commission members.

(2) Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. The agencies listed are authorized to escalate other special funds for the limited purpose provided in this section in an amount not to exceed the following:

AGENCY	AMOUNT
Architecture and Landscape, Board of	$ 1,263.00
Barber Examiners, Board of	$ 2,643.00
Cosmetology, Board of	$ 8,635.00
Engineers & Land Surveyors, Board of Prof.	$ 5,893.00
Gulfport, State Port Authority at	$ 97,373.00
Motor Vehicle Commission	$ 2,600.00
Nursing Home Administrators, Board of	$ 1,179.00
Nursing, Board of	$ 34,473.00
Pat Harrison Waterway District	$ 34,759.00
Pearl River Valley Water Mgmt. District	$111,784.00

Pharmacy, Board of	$ 48,474.00
Physical Therapy, Board of	$ 2,492.00
Public Accountancy, Board of	$ 19,495.00
Public Contractors, Board of	$ 19,187.00
Real Estate Appr. Licensing & Cert. Board of	$ 5,385.00
Real Estate Commission	$ 17,104.00
Social Workers Marriage/Family Therapists, Board of Examiners for	$ 1,913.00
Tombigbee River Valley Mgmt. Board	$ 20,611.00
Veteran's Home Purchase Board	$ 24,436.00
Yellow Creek State Inland Port	$ 18,602.00

SECTION 5. Sections 2 and 3, Chapter 57, Laws of 2018, are amended as follows:

Section 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury which is comprised of special source funds and interest earnings on bond proceeds for the purpose of paying maturing bonds and interest on the full faith and credit bonds of the State of Mississippi falling due during Fiscal Year 2019...$ * * * 85,020,096.00.

Section 3. The following sum, or so much thereof as may be necessary, is hereby authorized to expend any money in the State Treasury which is comprised of special source funds and interest earnings on bond proceeds for the purpose of paying maturing bonds and interest on the revenue bonds of the State of Mississippi falling due during Fiscal Year 2019..$ * * * 18,849,975.00.

SECTION 6. Section 3, Chapter 99, Laws of 2018, are amended as follows:

Section 3. Of the funds appropriated under the provisions of Sections 1 and 2, not more than the amounts set forth below shall be expended for the respective major objects or purposes of expenditure and authorized positions:

DIVISION OF MISSISSIPPI HIGHWAY SAFETY PATROL

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:		
Salaries, Wages and Fringe Benefits	$ * * *	65,227,893.00
Travel and Subsistence	* * *	485,968.00
Contractual Services	* * *	22,205,541.00
Commodities	* * *	6,320,474.00
Capital Outlay:		
Other Than Equipment		0.00
Equipment	* * *	1,872,371.00
Vehicles		5,352,733.00
Wireless Communication Devices	* * *	55,700.00
Subsidies, Loans and Grants		2,572,309.00
Total	$	104,092,989.00

FUNDING:

General Funds.............................$	59,944,688.00
Special Funds.............................	44,148,301.00
Total...............................$	104,092,989.00

AUTHORIZED POSITIONS:

Permanent:	Full Time............	1,115
	Part Time............	0
Time-Limited:	Full Time............	22
	Part Time............	3

DIVISION OF LAW ENFORCEMENT TRAINING ACADEMY

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:	
Salaries, Wages and Fringe Benefits...$	694,183.00
Travel and Subsistence................	0.00
Contractual Services......................	545,000.00
Commodities...............................	310,856.00
Capital Outlay:	
Other Than Equipment..................	0.00
Equipment...........................	82,840.00
Vehicles............................	0.00
Wireless Communication Devices.........	0.00
Subsidies, Loans and Grants................	370,970.00
Total...............................$	2,003,849.00

FUNDING:

General Funds.............................$	288,473.00

Special Funds		1,715,376.00
Total	$	2,003,849.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	16
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

DIVISION OF SUPPORT SERVICES

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:		
Salaries, Wages and Fringe Benefits	$	2,814,993.00
Travel and Subsistence	* * *	18,326.00
Contractual Services		4,681,610.00
Commodities	* * *	107,199.00
Capital Outlay:		
Other Than Equipment		0.00
Equipment		56,517.00
Vehicles		0.00
Wireless Communication Devices		0.00
Subsidies, Loans and Grants	* * *	1,457,273.00
Total	$	9,135,918.00

FUNDING:

General Funds	$	4,194,649.00
Special Funds		4,941,269.00
Total	$	9,135,918.00

AUTHORIZED POSITIONS:

Permanent:	Full Time............	60
	Part Time............	0
Time-Limited:	Full Time............	1
	Part Time............	0

DIVISION OF CRIME LABORATORIES

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:	
Salaries, Wages and Fringe Benefits...$	6,710,739.00
Travel and Subsistence.......... * * *	65,000.00
Contractual Services................ * * *	1,719,167.00
Commodities......................... * * *	799,160.00
Capital Outlay:	
Other Than Equipment..................	0.00
Equipment.............................	362,790.00
Vehicles..............................	0.00
Wireless Communication Devices........	1,000.00
Subsidies, Loans and Grants.......... * * *	10,000.00
Total................................$	9,667,856.00

FUNDING:

General Funds.............................$	6,863,885.00
Special Funds..............................	2,803,971.00
Total................................$	9,667,856.00

AUTHORIZED POSITIONS:

Permanent:	Full Time............	88

	Part Time	0
Time-Limited:	Full Time	14
	Part Time	0

DIVISION OF MEDICAL EXAMINER

MAJOR OBJECTS OF EXPENDITURE:		
Personal Services:		
Salaries, Wages and Fringe Benefits	$	1,985,386.00
Travel and Subsistence	* * *	15,000.00
Contractual Services		1,106,237.00
Commodities		206,264.00
Capital Outlay:		
Other Than Equipment		0.00
Equipment		154,389.00
Vehicles		0.00
Wireless Communication Devices		1,000.00
Subsidies, Loans and Grants	* * *	15,000.00
Total	$	3,483,276.00
FUNDING:		
General Funds	$	1,201,272.00
Special Funds		2,282,004.00
Total	$	3,483,276.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	12
	Part Time	0
Time-Limited:	Full Time	0

Part Time	0	

DIVISION OF PUBLIC SAFETY PLANNING

OFFICE OF PUBLIC SAFETY PLANNING

MAJOR OBJECTS OF EXPENDITURE:		
Personal Services:		
Salaries, Wages and Fringe Benefits	$ * * *	1,582,422.00
Travel and Subsistence		132,912.00
Contractual Services		932,263.00
Commodities		138,795.00
Capital Outlay:		
Other Than Equipment		0.00
Equipment		0.00
Vehicles		0.00
Wireless Communication Devices		0.00
Subsidies, Loans and Grants	* * *	23,853,824.00
Total	$	26,640,216.00
FUNDING:		
General Funds	$	232,843.00
Special Funds		26,407,373.00
Total	$	26,640,216.00
AUTHORIZED POSITIONS:		
Permanent: Full Time		5
Part Time		0
Time-Limited: Full Time		33

	Part Time............	0

DIVISION OF PUBLIC SAFETY PLANNING

OFFICE OF LAW ENFORCEMENT STANDARDS AND TRAINING

MAJOR OBJECTS OF EXPENDITURE:	
Personal Services:	
Salaries, Wages and Fringe Benefits...$	310,135.00
Travel and Subsistence................	4,500.00
Contractual Services......................	114,560.00
Commodities................................	10,020.00
Capital Outlay:	
Other Than Equipment..................	0.00
Equipment..............................	3,000.00
Vehicles...............................	0.00
Wireless Communication Devices........	0.00
Subsidies, Loans and Grants................	1,864,078.00
Total................................$	2,306,293.00
FUNDING:	
General Funds.............................$	2,306,293.00
Special Funds..............................	0.00
Total................................$	2,306,293.00

AUTHORIZED POSITIONS:		
Permanent:	Full Time............	6
	Part Time............	0
Time-Limited:	Full Time............	0
	Part Time............	0

DIVISION OF PUBLIC SAFETY PLANNING

BOARD OF EMERGENCY TELECOMMUNICATIONS

MAJOR OBJECTS OF EXPENDITURE:		
Personal Services:		
Salaries, Wages and Fringe Benefits...	$	152,752.00
Travel and Subsistence................		2,500.00
Contractual Services........................		40,000.00
Commodities................................		5,650.00
Capital Outlay:		
Other Than Equipment..................		0.00
Equipment.............................		0.00
Vehicles..............................		0.00
Wireless Communication Devices........		0.00
Subsidies, Loans and Grants................		563,830.00
Total................................	$	764,732.00
FUNDING:		
General Funds..............................	$	0.00
Special Funds..............................		764,732.00
Total................................	$	764,732.00

AUTHORIZED POSITIONS:		
Permanent:	Full Time............	3
	Part Time............	0
Time-Limited:	Full Time............	0
	Part Time............	0

DIVISION OF PUBLIC SAFETY PLANNING

COUNCIL ON AGING

MAJOR OBJECTS OF EXPENDITURE:		
Personal Services:		
Salaries, Wages and Fringe Benefits	$ * * *	116,277.00
Travel and Subsistence		3,625.00
Contractual Services		15,896.00
Commodities		1,461.00
Capital Outlay:		
Other Than Equipment		0.00
Equipment		0.00
Vehicles		0.00
Wireless Communication Devices		0.00
Subsidies, Loans and Grants	* * *	64,831.00
Total	$	202,090.00
FUNDING:		
General Funds	$	202,090.00
Special Funds		0.00
Total	$	202,090.00
AUTHORIZED POSITIONS:		
Permanent: Full Time	1	
Part Time	0	
Time-Limited: Full Time	1	
Part Time	0	

COUNTY JAIL OFFICER STANDARDS AND TRAINING BOARD

MAJOR OBJECTS OF EXPENDITURE:		
Personal Services:		
Salaries, Wages and Fringe Benefits	$ * * *	55,496.00
Travel and Subsistence		600.00
Contractual Services		7,500.00
Commodities		160.00
Capital Outlay:		
Other Than Equipment		0.00
Equipment		0.00
Vehicles		0.00
Wireless Communication Devices		0.00
Subsidies, Loans and Grants	* * *	289,090.00
Total	$	352,846.00
FUNDING:		
General Funds	$	352,846.00
Special Funds		0.00
Total	$	352,846.00

AUTHORIZED POSITIONS:		
Permanent:	Full Time	1
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

OFFICE OF HOMELAND SECURITY

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:		
Salaries, Wages and Fringe Benefits		$ 1,609,005.00
Travel and Subsistence		47,816.00
Contractual Services		750,785.00
Commodities		144,172.00
Capital Outlay:		
Other Than Equipment		0.00
Equipment		43,420.00
Vehicles		80,000.00
Wireless Communication Devices		196.00
Subsidies, Loans and Grants		16,266,336.00
Total		$ 18,941,730.00
FUNDING:		
General Funds		$ 86,962.00
Special Funds		18,854,768.00
Total		$ 18,941,730.00
AUTHORIZED POSITIONS:		
Permanent: Full Time	9	
Part Time	0	
Time-Limited: Full Time	13	
Part Time	0	

BUREAU OF NARCOTICS

MAJOR OBJECTS OF EXPENDITURE:	
Personal Services:	
Salaries, Wages and Fringe Benefits	$ 10,543,952.00

Travel and Subsistence		40,000.00
Contractual Services		1,229,882.00
Commodities		1,274,850.00
Capital Outlay:		
Other Than Equipment		0.00
Equipment		321,197.00
Vehicles		0.00
Wireless Communication Devices		0.00
Subsidies, Loans and Grants		740,000.00
Total	$	14,149,881.00
FUNDING:		
General Funds	$	11,152,517.00
Special Funds		2,997,364.00
Total	$	14,149,881.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	184
	Part Time	0
Time-Limited:	Full Time	8
	Part Time	0

JUVENILE FACILITY MONITORING UNIT

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:		
Salaries, Wages and Fringe Benefits	$ * * *	176,516.00
Travel and Subsistence		5,934.00

Contractual Services * * *	98,372.00
Commodities	9,882.00
Capital Outlay:	
Other Than Equipment	0.00
Equipment	0.00
Vehicles	0.00
Wireless Communication Devices	0.00
Subsidies, Loans and Grants	0.00
Total	$ 290,704.00
FUNDING:	
General Funds	$ 56,634.00
Special Funds	234,070.00
Total	$ 290,704.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	0
	Part Time	0
Time-Limited:	Full Time	3
	Part Time	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2020 do not exceed Fiscal Year 2019 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2019 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel

Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2019 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2019 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

SECTION 7. During fiscal year 2020, the State Fiscal Officer shall transfer $215,222.06 from MIFI Operating Fund (3345400000) to MFC Operating Fund (3345500000).

SECTION 8. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2561

Description: Domestic abuse protection orders; revise appellate procedure.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Judiciary, Division A
2	01/31	(S)	Title Suff Do Pass
3	02/06	(S)	Passed {Vote}
4	02/07	(S)	Transmitted To House
5	02/19	(H)	Referred To Judiciary A
6	02/26	(H)	Title Suff Do Pass As Amended
7	03/12	(H)	Amended
8	03/12	(H)	Passed As Amended {Vote}
9	03/14	(H)	Returned For Concurrence
10	03/21	(S)	Decline to Concur/Invite Conf
11	03/27	(S)	Conferees Named Hopson,Doty,Turner-Ford
12	03/27	(H)	Conferees Named Baker,Clark,Bain
13	03/27	(S)	Conference Report Filed
14	03/27	(H)	Conference Report Filed
15	03/28	(H)	Conference Report Adopted {Vote}
16	03/28	(S)	Conference Report Adopted {Vote}
17	04/04	(S)	Enrolled Bill Signed
18	04/04	(H)	Enrolled Bill Signed
19	04/05	Due	From Governor 04/23/19

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2561

Conference Reports:
| Conference Report

Code Section: A 093-0021-0013, A 093-0021-0015

----- Additional Information -----

2019 GENERAL LAWS OF MISSISSIPPI SB 2561

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: Wiggins
Additional Authors: Blount

Title: AN ACT TO AMEND SECTION 93-21-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR WIDE-RANGING APPLICATION OF EMERGENCY DOMESTIC ABUSE PROTECTION ORDERS; TO AMEND SECTION 93-21-15, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR WIDE-RANGING APPLICATION OF OTHER DOMESTIC ABUSE PROTECTION ORDERS; TO CREATE NEW SECTION 93-21-15.1, MISSISSIPPI CODE OF 1972, TO PROVIDE APPELLATE PROCEDURES FOR APPEALS OF DOMESTIC ABUSE PROTECTION ORDERS, AND TO SPECIFY WHEN SUCH APPEALS ARE ON THE RECORD OR ARE DE NOVO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Wiggins, Blount To: Judiciary, Division A

SENATE BILL NO. 2561
(As Sent to Governor)

AN ACT TO AMEND SECTION 93-21-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR WIDE-RANGING APPLICATION OF EMERGENCY DOMESTIC ABUSE PROTECTION ORDERS; TO AMEND SECTION 93-21-15, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR WIDE-RANGING APPLICATION OF OTHER DOMESTIC ABUSE PROTECTION ORDERS; TO CREATE NEW SECTION 93-21-15.1, MISSISSIPPI CODE OF 1972, TO PROVIDE APPELLATE PROCEDURES FOR APPEALS OF DOMESTIC ABUSE PROTECTION ORDERS, AND TO SPECIFY WHEN SUCH APPEALS ARE ON THE RECORD OR ARE DE NOVO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 93-21-13, Mississippi Code of 1972, is amended as follows:

93-21-13. (1) (a) The court in which a petition seeking emergency relief pending a hearing is filed must consider all such requests in an expedited manner and shall not refer or direct the matter to be sent to another court. The court may issue an emergency domestic abuse protection order without prior notice to the respondent upon good cause shown by the petitioner. Immediate and present danger of abuse to the petitioner, any minor children or any person alleged to be incompetent shall constitute good cause for issuance of an emergency domestic abuse protection order. The respondent shall be provided with notice of the entry of any emergency domestic abuse protection order issued by the court by personal service of process.

(b) A court granting an emergency domestic abuse protection order may grant relief as provided in Section 93-21-15(1)(a).

(c) An emergency domestic abuse protection order shall be effective for ten (10) days, or until a hearing may be held, whichever occurs first. If a hearing under this subsection (1) is continued, the court may grant or extend the emergency order as it deems necessary for the protection of the abused person. A continuance under this subsection (1)(c) shall be valid for no longer than twenty (20) days.

(2) The Attorney General, in cooperation with the Mississippi Supreme Court and the Mississippi Judicial College, shall develop standardized forms for emergency domestic abuse protection orders. Use of the standardized forms in protection order proceedings pursuant to this chapter shall be fully implemented by all courts no later than July 1, 2015. However, in any criminal prosecution or contempt proceeding for a violation of a domestic abuse protection order, it shall not be a defense that the order was not issued on the standardized form.

(3) Upon issuance of any protection order by the court, the order shall be entered into the Mississippi Protection Order Registry by the clerk of the court pursuant to Section 93-21-25,

and a copy provided to the sheriff's department in the county of the court of issuance.

(4) * * * An emergency domestic abuse protection order issued under this section is effective in this state, in all other states, and in United States territories and tribal lands. A court shall not limit the scope of a protection order to the boundaries of the State of Mississippi or to the boundaries of a municipality or county within the State of Mississippi.

SECTION 2. Section 93-21-15, Mississippi Code of 1972, is amended as follows:

93-21-15. (1) (a) After a hearing is held as provided in Section 93-21-11 for which notice and opportunity to be heard has been granted to the respondent, and upon a finding that the petitioner has proved the existence of abuse by a preponderance of the evidence, the municipal and justice courts shall be empowered to grant a temporary domestic abuse protection order to bring about a cessation of abuse of the petitioner, any minor children, or any person alleged to be incompetent. The relief the court may provide includes, but is not limited to, the following:

(i) Directing the respondent to refrain from abusing the petitioner, any minor children, or any person alleged to be incompetent;

(ii) Prohibiting or limiting respondent's physical proximity to the abused or other household members as designated by the court, including residence and place of work;

(iii) Prohibiting or limiting contact by the respondent with the abused or other household members designated by the court, whether in person, by telephone or by other electronic communication;

(iv) Granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner, or both; or

(v) Prohibiting the transferring, encumbering or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business.

(b) The duration of any temporary domestic abuse protection order issued by a municipal or justice court shall not exceed thirty (30) days. However, if the party to be protected and the respondent do not have minor children in common, the duration of the temporary domestic abuse protection order may exceed thirty (30) days but shall not exceed one (1) year.

(c) * * * Procedures for an appeal of the issuance of a temporary domestic abuse protection order are set forth in Section 93-21-15.1.

(2) (a) After a hearing is held as provided in Section 93-21-11 for which notice and opportunity to be heard has been granted to the respondent, and upon a finding that the petitioner has proved the existence of abuse by a preponderance of the evidence, the chancery or county court shall be empowered to grant

a final domestic abuse protection order or approve any consent agreement to bring about a cessation of abuse of the petitioner, any minor children, or any person alleged to be incompetent. In granting a final domestic abuse protection order, the chancery or county court may provide for relief that includes, but is not limited to, the following:

(i) Directing the respondent to refrain from abusing the petitioner, any minor children, or any person alleged to be incompetent;

(ii) Granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner, or both;

(iii) When the respondent has a duty to support the petitioner, any minor children, or any person alleged to be incompetent living in the residence or household and the respondent is the sole owner or lessee, granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner, or both, or by consent agreement allowing the respondent to provide suitable, alternate housing;

(iv) Awarding temporary custody of or establishing temporary visitation rights with regard to any minor children or any person alleged to be incompetent, or both;

(v) If the respondent is legally obligated to support the petitioner, any minor children, or any person alleged to be incompetent, ordering the respondent to pay temporary support for the petitioner, any minor children, or any person alleged to be incompetent;

(vi) Ordering the respondent to pay to the abused person monetary compensation for losses suffered as a direct result of the abuse, including, but not limited to, medical expenses resulting from such abuse, loss of earnings or support, out-of-pocket losses for injuries sustained, moving expenses, a reasonable attorney's fee, or any combination of the above;

(vii) Prohibiting the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business;

(viii) Prohibiting or limiting respondent's physical proximity to the abused or other household members designated by the court, including residence, school and place of work;

(ix) Prohibiting or limiting contact by the respondent with the abused or other household members designated by the court whether in person, by telephone or by electronic communication; and

(x) Ordering counseling or professional medical treatment for the respondent, including counseling or treatment designed to bring about the cessation of domestic abuse.

(b) Except as provided below, a final domestic abuse protection order issued by a chancery or county court under the provisions of this chapter shall be effective for such time period as the court deems appropriate. The expiration date of the order shall be clearly stated in the order.

(c) Temporary provisions addressing temporary custody, visitation or support of minor children contained in a final domestic abuse protection order issued by a chancery or county court shall be effective for one hundred eighty (180) days. A party seeking relief beyond that period must initiate appropriate proceedings in the chancery court of appropriate jurisdiction. If at the end of the one-hundred-eighty-day period, neither party has initiated such proceedings, the custody, visitation or support of minor children will revert to the chancery court order addressing such terms that was in effect at the time the domestic abuse protection order was granted. The chancery court in which custody, visitation or support proceedings have been initiated may provide for any temporary provisions addressing custody, visitation or support as the court deems appropriate.

(3) Every domestic abuse protection order issued pursuant to this section shall set forth the reasons for its issuance, shall contain specific findings of fact regarding the existence of abuse, shall be specific in its terms and shall describe in reasonable detail the act or acts to be prohibited. No mutual protection order shall be issued unless that order is supported by

an independent petition by each party requesting relief pursuant to this chapter, and the order contains specific findings of fact regarding the existence of abuse by each party as principal aggressor, and a finding that neither party acted in self-defense.

(4) The Attorney General, in cooperation with the Mississippi Supreme Court and the Mississippi Judicial College, shall develop standardized forms for temporary and final domestic abuse protection orders. The use of standardized forms in protection order proceedings pursuant to this chapter shall be fully implemented by all courts no later than July 1, 2015. However, in any criminal prosecution or contempt proceeding for a violation of a domestic abuse protection order, it shall not be a defense that the order was not issued on the standardized form.

(5) Upon issuance of any protection order by the court, the order shall be entered in the Mississippi Protection Order Registry by the clerk of the court pursuant to Section 93-21-25, and a copy shall be provided to the sheriff's department in the county of the court of issuance.

(6) Upon subsequent petition by either party and following a hearing of which both parties have received notice and an opportunity to be heard, the court may modify, amend, or dissolve a domestic abuse protection order previously issued by that court.

(7) A domestic abuse protection order issued under this section is effective in this state, in all other states, and in United States territories and tribal lands. A court shall not

limit the scope of a protection order to the boundaries of the State of Mississippi or to the boundaries of a municipality or county within the State of Mississippi.

(8) Procedures for an appeal of the issuance or denial of a final domestic abuse protection order are set forth in Section 93-21-15.1.

SECTION 3. The following shall be codified as Section 93-21-15.1, Mississippi Code of 1972:

93-21-15.1. (1) (a) **De novo appeal.** Any party aggrieved by the decision of a municipal or justice court judge to issue a temporary domestic abuse protection order has the right of a trial de novo on appeal in the chancery court having jurisdiction. The trial de novo shall be held within ten (10) days of the filing of a notice of appeal. All such appeals shall be priority cases and the judge must be immediately notified when an appeal is filed in order to provide for expedited proceedings. The appeal will proceed as if a petition for an order of protection from domestic abuse had been filed in the chancery court. Following the trial de novo, if the petitioner has proved the existence of abuse by a preponderance of the evidence, the chancery court may grant a final domestic abuse protection order. In granting a final domestic abuse protection order, the chancery court may provide for relief that includes, but is not limited to, the relief set out in Section 93-21-15(2).

(b) **Notice of appeal.** The party desiring to appeal a decision from municipal or justice court must file a written notice of appeal with the chancery court clerk within ten (10) days of the issuance of a domestic abuse protection order. In all de novo appeals, the notice of appeal and payment of costs must be simultaneously filed and paid with the chancery clerk. Costs for an appeal by trial de novo shall be calculated as specified in subsection (4) of this section. The written notice of appeal must specify the party or parties taking the appeal and must designate the judgment or order from which the appeal is taken. A copy of the notice of appeal must be provided to all parties or their attorneys of record and to the clerk of the court from which the appeal is taken. A certificate of service must accompany the written notice of appeal. Upon receipt by the municipal or justice court of the notice of appeal, the clerk of the lower court shall immediately provide the entire court file to the chancery clerk.

(2) (a) **Appeals on the record.** Any party aggrieved by the decision of a county court to issue a final domestic abuse protection order or to deny such an order shall be entitled to an appeal on the record in the chancery court having jurisdiction. If the county court has issued a domestic abuse protection order as a temporary order instead of a final order as contemplated by Section 93-21-15(2), the chancery court shall permit the appeal on the record and shall treat the temporary order issued by the

county court as a final order on the matter. The chancery court shall treat the appeal as a priority matter and render a decision as expeditiously as possible.

(b) **Notice of appeal and filing the record.** The party desiring to appeal a decision from county court must file a written notice of appeal with the chancery court clerk within ten (10) days of the issuance of a domestic abuse protection order. In all appeals, the notice of appeal and payment of costs, where costs are applicable, shall be simultaneously filed and paid with the chancery clerk. Costs shall be calculated as specified in subsection (4) of this section. The written notice of appeal must specify the party or parties taking the appeal and must designate the judgment or order from which the appeal is taken. A copy of the notice of appeal must be provided to all parties or their attorneys of record and to the clerk of the court from which the appeal is taken. A certificate of service must accompany the written notice of appeal. In all appeals in which the appeal is solely on the record, the record from the county court must be filed with the chancery clerk within thirty (30) days of filing of the notice of appeal. However, in cases involving a transcript, the court reporter or county court may request an extension of time. The court, on its own motion or on application of any party, may compel the compilation and transmission of the record of proceedings. Failure to file the record with the court clerk or to request the assistance of the court in compelling the same within thirty (30) days of the filing of the written notice of appeal may be deemed an abandonment of the appeal and the court may dismiss the same with costs to the appealing party or parties, unless a party or parties is exempt from costs as specified in subsection (4) of this section.

(c) **Briefs on appeal on the record.** Briefs, if any, filed in an appeal on the record must conform to the practice in the Supreme Court as to form and time of filing and service, except that the parties should file only an original and one (1) copy of each brief. The consequences of failure to timely file a brief will be the same as in the Supreme Court.

(3) **Supersedeas.** The perfecting of an appeal, whether on the record or by trial de novo, does not act as a supersedeas. Any domestic abuse protection order issued by a municipal, justice or county court shall remain in full force and effect for the duration of the appeal, unless the domestic abuse protection order otherwise expires due to the passage of time.

(4) **Cost bond.** In all appeals under this section, unless the court allows an appeal in forma pauperis or the appellant otherwise qualifies for exemption as specified in this subsection (4), the appellant shall pay all court costs incurred below and likely to be incurred on appeal as estimated by the chancery clerk. In all cases where the appellant is appealing the denial of an order of protection from domestic abuse by a county court, the appellant shall not be required to pay any costs associated

with the appeal, including service of process fees, nor shall the appellant be required to appeal in forma pauperis. In such circumstances, the court may assess costs of the appeal to the appellant if the court finds that the allegations of abuse are without merit and the appellant is not a victim of abuse. Where the issuance of a mutual protection order is the basis of the appeal, the appellant may be entitled to reimbursement of appellate costs paid to the court as a matter of equity if the chancery court finds that the mutual order was issued by the lower court without regard to the requirements of Section 93-21-15(3).

(5) The appellate procedures set forth in this section for appeals from justice, municipal and county courts shall control if there is a conflict with another statute or rule.

(6) Any party aggrieved by the issuance or denial of a final order of protection by a chancery court shall be entitled to appeal the decision. The appeal shall be governed by the Mississippi Rules of Appellate Procedure and any other applicable rules or statutes.

SECTION 4. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2570

Description: Distinctive motor vehicle license tag; revise persons eligible to be issued the Gold Star license tag.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Finance
2	02/05	(S)	Title Suff Do Pass Comm Sub
3	02/08	(S)	Committee Substitute Adopted
4	02/08	(S)	Amended
5	02/08	(S)	Passed As Amended {Vote}
6	02/12	(S)	Transmitted To House
7	02/19	(H)	Referred To Ways and Means
8	03/05	(H)	Title Suff Do Pass As Amended
9	03/07	(H)	Amended
10	03/07	(H)	Passed As Amended {Vote}
11	03/11	(H)	Returned For Concurrence
12	03/21	(S)	Decline to Concur/Invite Conf
13	03/22	(S)	Conferees Named Fillingane,Kirby,Blackmon
14	03/25	(H)	Conferees Named Smith,Lamar,Zuber
15	03/27	(S)	Conference Report Filed
16	03/27	(H)	Conference Report Filed
17	03/28	(H)	Conference Report Adopted {Vote}
18	03/28	(S)	Conference Report Adopted {Vote}
19	04/02	(S)	Enrolled Bill Signed
20	04/02	(H)	Enrolled Bill Signed
21	04/03	Due	From Governor 04/20/19

Amendments:
[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2570
Conference Reports:

| Conference Report

Code Section: A 027-0019-0044, A 027-0019-0056.15, A 027-0019-0056.108, A 027-0019-0056.315, A 027-0019-0056.402, A 027-0019-0056.314, A 027-0019-0056.342, A 027-0019-0056.313, A 027-0019-0053, A 027-0019-0056.162, A 027-0051-0041, A 027-0019-0056.186, A 027-0019-0052

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Fillingane

Title: AN ACT TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF FIRST RESPONDERS OF MISSISSIPPI, THE BELHAVEN IMPROVEMENT ASSOCIATION, THE JEFFERSON DAVIS COUNTY SCHOOL DISTRICT, CANOPY CHILDREN'S SOLUTIONS, THE MISSISSIPPI KIDNEY FOUNDATION, THE MISSISSIPPI FACULTY ASSOCIATION OF COMMUNITY AND JUNIOR COLLEGES, THE MISSISSIPPI SWEET POTATO COUNCIL, THE FAMILY RESOURCE CENTER OF NORTH MISSISSIPPI, INGALLS SHIPBUILDING, THE ROTARY CLUB OF CENTRAL HANCOCK COUNTY, STARKVILLE HIGH SCHOOL, CAMP PIONEER, INC., THE MARTY WILSON FOUNDATION ONE GULF ONE GOAL, COLUMBUS HIGH SCHOOL, RONALD MCDONALD HOUSE CHARITIES OF MISSISSIPPI, INC., THE CELTIC HERITAGE SOCIETY, SUICIDE PREVENTION, THE MOSS POINT SCHOOL DISTRICT, THE MISSISSIPPI BOOK FESTIVAL, THE NORTH PANOLA SCHOOL DISTRICT, THE HOLLY SPRINGS SEPARATE SCHOOL DISTRICT, AND THE DIXIE NATIONAL RODEO; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAGS; TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO AMEND SECTION 27-19-44, MISSISSIPPI CODE OF 1972, TO EXEMPT LICENSE TAGS FOR SUPPORTERS OF THE DIXIE NATIONAL RODEO FROM THE REQUIREMENT THAT A CERTAIN NUMBER OF SUCH TAGS MUST BE PURCHASED PRIOR TO ISSUANCE; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS WITH THE STENNIS FLAG DESIGNED BY LAURIN STENNIS IMPRINTED THEREON; TO AMEND SECTION 27-19-56.15, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS THAT DISPLAY THE EMBLEMS OF UNIVERSITIES LOCATED IN OTHER STATES; TO PROVIDE THAT A PORTION OF THE FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE LICENSE TAGS DISPLAYING THE EMBLEM OF FLORIDA STATE UNIVERSITY SHALL BE DISTRIBUTED TO THE FLORIDA STATE UNIVERSITY VETERANS ALLIANCE FUND; TO AMEND SECTION 27-19-56.108, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF ROTARY INTERNATIONAL; TO AMEND SECTION 27-19-56.315, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE JUVENILE DIABETES FOUNDATION; TO AMEND SECTION 27-19-56.402, MISSISSIPPI CODE OF

1972, TO REAUTHORIZE THE ISSUANCE OF THE DISTINCTIVE MOTOR VEHICLE LICENSE TAGS FOR SUPPORTERS OF CHILDREN'S ADVOCACY CENTERS OF MISSISSIPPI; TO AMEND SECTION 27-19-56.314, MISSISSIPPI CODE OF 1972, TO EXTEND THE PERIOD OF TIME DURING WHICH THE REQUIREMENTS MAY BE MET FOR ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS FOR SUPPORTERS OF THE MIND CENTER AT THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER; TO AMEND SECTION 27-19-56.342, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF CALLAWAY HIGH SCHOOL; TO AMEND SECTION 27-19-56.313, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT; TO AMEND SECTION 27-19-53, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF DISABLED VETERAN MOTOR VEHICLE LICENSE TAGS THAT MAY BE ISSUED TO A DISABLED VETERAN AND TO INCREASE THE NUMBER OF VEHICLES OF SUCH A DISABLED VETERAN WHO IS EXEMPT FROM AD VALOREM AND PRIVILEGE TAXES; TO AMEND SECTION 27-19-56.162, MISSISSIPPI CODE OF 1972, TO REVISE THE PERSONS TO WHOM THE GOLD STAR DISTINCTIVE MOTOR VEHICLE LICENSE TAG MAY BE ISSUED, TO PROVIDE THAT THE TAG MAY BE ISSUED TO FAMILY MEMBERS OF SERVICE MEMBERS WHO HAVE DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES WHILE THE UNITED STATES WAS ENGAGED IN HOSTILE ACTIVITIES OR A TIME OF WAR; TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 27-19-56.186, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF THE IRAQ VETERAN DISTINCTIVE MOTOR VEHICLE LICENSE TAG TO PERSONS WHO ARE RECIPIENTS OF THE INHERENT RESOLVE CAMPAIGN MEDAL; TO AMEND SECTION 27-19-52, MISSISSIPPI CODE OF 1972, TO INCLUDE SENIOR JUDGES ON SENIOR STATUS WITHIN THE MEMBERS OF THE STATE JUDICIARY WHO MAY APPLY FOR MOTOR VEHICLE LICENSE TAGS ISSUED BY THE DEPARTMENT OF REVENUE THAT CANNOT BE TRACED EXCEPT BY LAW ENFORCEMENT AGENCIES FOR CERTAIN PURPOSES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Fillingane To: Finance

SENATE BILL NO. 2570
(As Sent to Governor)

AN ACT TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF FIRST RESPONDERS OF MISSISSIPPI, THE BELHAVEN IMPROVEMENT ASSOCIATION, THE JEFFERSON DAVIS COUNTY SCHOOL DISTRICT, CANOPY CHILDREN'S SOLUTIONS, THE MISSISSIPPI KIDNEY FOUNDATION, THE MISSISSIPPI FACULTY ASSOCIATION OF COMMUNITY AND JUNIOR COLLEGES, THE MISSISSIPPI SWEET POTATO COUNCIL, THE FAMILY RESOURCE CENTER OF NORTH MISSISSIPPI, INGALLS SHIPBUILDING, THE ROTARY CLUB OF CENTRAL HANCOCK COUNTY, STARKVILLE HIGH SCHOOL, CAMP PIONEER, INC., THE MARTY WILSON FOUNDATION ONE GULF ONE GOAL, COLUMBUS HIGH SCHOOL, RONALD MCDONALD HOUSE CHARITIES OF MISSISSIPPI, INC., THE CELTIC HERITAGE SOCIETY, SUICIDE PREVENTION, THE MOSS POINT SCHOOL DISTRICT, THE MISSISSIPPI BOOK FESTIVAL, THE NORTH PANOLA SCHOOL DISTRICT, THE HOLLY SPRINGS SEPARATE SCHOOL DISTRICT, AND THE DIXIE NATIONAL RODEO; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAGS; TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO AMEND SECTION 27-19-44, MISSISSIPPI CODE OF 1972, TO EXEMPT LICENSE TAGS FOR SUPPORTERS OF THE DIXIE NATIONAL RODEO FROM THE REQUIREMENT THAT A CERTAIN NUMBER OF SUCH TAGS MUST BE PURCHASED PRIOR TO ISSUANCE; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS WITH THE STENNIS FLAG DESIGNED BY LAURIN STENNIS IMPRINTED THEREON; TO AMEND SECTION 27-19-56.15, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS THAT DISPLAY THE EMBLEMS OF UNIVERSITIES LOCATED IN OTHER STATES; TO PROVIDE THAT A PORTION OF THE FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE LICENSE TAGS DISPLAYING THE EMBLEM OF FLORIDA STATE UNIVERSITY SHALL BE DISTRIBUTED TO THE FLORIDA STATE UNIVERSITY VETERANS ALLIANCE FUND; TO AMEND SECTION 27-19-56.108, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF ROTARY INTERNATIONAL; TO AMEND SECTION 27-19-56.315, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE JUVENILE DIABETES FOUNDATION; TO AMEND SECTION

27-19-56.402, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF THE DISTINCTIVE MOTOR VEHICLE LICENSE TAGS FOR SUPPORTERS OF CHILDREN'S ADVOCACY CENTERS OF MISSISSIPPI; TO AMEND SECTION 27-19-56.314, MISSISSIPPI CODE OF 1972, TO EXTEND THE PERIOD OF TIME DURING WHICH THE REQUIREMENTS MAY BE MET FOR ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS FOR SUPPORTERS OF THE MIND CENTER AT THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER; TO AMEND SECTION 27-19-56.342, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF CALLAWAY HIGH SCHOOL; TO AMEND SECTION 27-19-56.313, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT; TO AMEND SECTION 27-19-53, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF DISABLED VETERAN MOTOR VEHICLE LICENSE TAGS THAT MAY BE ISSUED TO A DISABLED VETERAN AND TO INCREASE THE NUMBER OF VEHICLES OF SUCH A DISABLED VETERAN WHO IS EXEMPT FROM AD VALOREM AND PRIVILEGE TAXES; TO AMEND SECTION 27-19-56.162, MISSISSIPPI CODE OF 1972, TO REVISE THE PERSONS TO WHOM THE GOLD STAR DISTINCTIVE MOTOR VEHICLE LICENSE TAG MAY BE ISSUED, TO PROVIDE THAT THE TAG MAY BE ISSUED TO FAMILY MEMBERS OF SERVICE MEMBERS WHO HAVE DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES WHILE THE UNITED STATES WAS ENGAGED IN HOSTILE ACTIVITIES OR A TIME OF WAR; TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 27-19-56.186, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF THE IRAQ VETERAN DISTINCTIVE MOTOR VEHICLE LICENSE TAG TO PERSONS WHO ARE RECIPIENTS OF THE INHERENT RESOLVE CAMPAIGN MEDAL; TO AMEND SECTION 27-19-52, MISSISSIPPI CODE OF 1972, TO INCLUDE SENIOR JUDGES ON SENIOR STATUS WITHIN THE MEMBERS OF THE STATE JUDICIARY WHO MAY APPLY FOR MOTOR VEHICLE LICENSE TAGS ISSUED BY THE DEPARTMENT OF REVENUE THAT CANNOT BE TRACED EXCEPT BY LAW ENFORCEMENT AGENCIES FOR CERTAIN PURPOSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Beginning with any registration year commencing on or after July 1, 2019, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of First Responders of Mississippi. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of First Responders of Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under

this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to First Responders of Mississippi.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 2. (1) Beginning with any registration year commencing on or after July 1, 2019, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Belhaven Improvement Association. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Belhaven Improvement Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag

year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Belhaven Improvement Association.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 3. (1) Beginning with any registration year commencing on or after July 1, 2019, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Jefferson Davis County School District. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Superintendent of the Jefferson Davis County School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Jefferson Davis County Schools Activities Fund.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 4. (1) Beginning with any registration year commencing on or after July 1, 2019, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Canopy Children's Solutions. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Canopy Children's Solutions, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Children's Home Society.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license

tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 5. (1) Beginning with any registration year commencing on or after July 1, 2019, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Kidney Foundation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Kidney Foundation, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less

Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Kidney Foundation.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 6. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Faculty Association of Community and Junior Colleges. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Faculty Association of Community and Junior Colleges, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Faculty Association of Community and Junior Colleges.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the

tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 7. (1) Beginning with any registration year commencing on or after July 1, 2019, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Sweet Potato Council. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Sweet Potato Council, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license

tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Sweet Potato Council.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 8. (1) Beginning with any registration year commencing on or after July 1, 2019, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Family Resource Center of North Mississippi. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Family Resource Center of North Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag

year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Family Resource Center of North Mississippi.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 9. (1) Beginning with any registration year commencing on or after July 1, 2019, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Ingalls Shipbuilding in Pascagoula, Mississippi. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Ingalls Shipbuilding, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Main Street Pascagoula.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 10. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Rotary Club of Central Hancock County. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Rotary Club of Central Hancock County, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be distributed to the Rotary Club of Central Hancock County.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and

affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 11. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Starkville High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Starkville High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the

additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this

section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Starkville Athletic Booster Club, Inc.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section,

which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 12. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Camp Pioneer, Inc. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Camp Pioneer, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Camp Pioneer, Inc.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under

this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 13. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Marty Wilson Foundation One Gulf One Goal. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Marty

Wilson Foundation One Gulf One Goal, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive

license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Marty Wilson Foundation One Gulf One Goal for use in its cobia release program.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 14. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Columbus High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Columbus High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the

time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Columbus Municipal School District for use in the Columbus Municipal School District Teacher Incentive Pay Plan (CMSD TIPP).

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 15. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Ronald McDonald House Charities of Mississippi, Inc. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Ronald McDonald House Charities of Mississippi, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license

tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Ronald McDonald House Charities of Mississippi, Inc.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 16. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Celtic Heritage Society. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Celtic Heritage Society, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Celtic Heritage Society.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 17. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of suicide prevention. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Chapter of the American Foundation for Suicide Prevention, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Chapter of the American Foundation for Suicide Prevention.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the

tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 18. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Moss Point School District. The distinctive license tags so issued shall be of such color and design as the

Department of Revenue, with the advice of the Superintendent of the Moss Point School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive

license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Gulf Coast Community Foundation for deposit into a special fund created by the Moss Point Educational Enhancement Foundation and used for the purpose authorized by the Board of Directors of the Moss Point Educational Enhancement Foundation.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 19. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Book Festival. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Book Festival, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all

other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Book Festival.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 20. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the North Panola School District. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Superintendent of the North Panola School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license

tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the North Panola School District.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 21. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Holly Springs Separate School District. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Superintendent of the Holly Springs Separate School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be distributed to the Holly Springs Separate School District.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and

affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 22. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for each motor vehicle registered in his name, which shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Fair Commission, may prescribe. The words "Dixie National Livestock Show and Rodeo" shall be featured prominently on the license tag. The Department of Revenue shall prescribe such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the

additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the special fund created in subsection (7) of this section.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) There is established in the State Treasury a special fund which shall consist of monies deposited therein under subsection (4) of this section. Monies in the fund may be expended by the Mississippi Fair Commission, upon appropriation by the Legislature, for the benefit and use of the state fairgrounds. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund.

SECTION 23. Section 27-19-44, Mississippi Code of 1972, is amended as follows:

27-19-44. (1) For any distinctive license tag or plate authorized by the Legislature from and after July 1, 2000, through June 30, 2002, or authorized by Sections 27-19-56.37 and 27-19-56.55, the requirements of this subsection must be met before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least one hundred (100) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase one hundred (100) of such license tags or plates. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements of this subsection (1) within two (2) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued.

(2) Except as otherwise provided in subsection (1) of this section, for any distinctive license tag or plate authorized by the Legislature from and after July 1, 2002, through June 30, 2007, the requirements of this subsection must be met before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least two hundred (200) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase two hundred (200) of such license tags or plates. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements

of this subsection (2) within three (3) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued.

(3) Except as otherwise provided in this section, Section 27-19-56.56, Section 27-19-56.59, Section 27-19-56.94, Section 27-19-56.7 or Section 27-19-56.85, for any distinctive license tag or plate authorized or reauthorized by the Legislature from and after July 1, 2007, the following requirements must be met before the Department of Revenue may prepare or issue any such license tag or plate:

(a) The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least three hundred (300) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase three hundred (300) of such license tags or plates.

(b) The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements of paragraph (a) of this subsection (3) within three (3) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued. This paragraph (b) shall not apply to distinctive tags or plates issued under Section 27-19-56.154.

(4) Any distinctive license tag authorized under Sections 27-19-56.186, 27-19-56.203 and 27-19-56.315 must meet the requirements of this subsection before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least one hundred (100) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase one hundred (100) of such license tags or plates. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements of this subsection (4) within three (3) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued.

(5) The distinctive license tags authorized under Section 27-19-56.108 must meet the requirements of this subsection before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least two hundred (200) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase two hundred (200) of such license tags or plates.

(6) If the organization or other entity for which the Legislature authorized the distinctive license tag or plate meets the requirements of subsection (1), (2), (3), (4) or (5) of this section, the Department of Revenue shall prepare and issue the distinctive license tag or plate.

(7) The Department of Revenue shall review the number of distinctive or special license tags or plates issued pursuant to this chapter during the period for the license tag or plate series. If the number of any distinctive or special license tag or plate issued pursuant to this chapter falls below one hundred (100) in the last year of the license tag or plate series, the distinctive or special license tag or plate shall be discontinued at the end of the period for the license tag or plate series.

(8) If a distinctive or special license tag or plate is discontinued under subsection (7) of this section, the organization or other entity for which the license tag or plate was discontinued may prepare a distinctive or special license tag or plate decal. The distinctive or special license tag or plate decal shall be of such size, color and design as may be agreed upon by the organization or other entity and the Department of Revenue. However, the Department of Revenue shall have final approval of the size, color and design of the decal. The distinctive or special license tag or plate decals shall be prepared and sold by the organization or other entity, and the proceeds derived from the sale of such decals shall be retained by

the organization or other entity for any use deemed appropriate by the organization or other entity.

(9) The provisions of this section shall not apply to distinctive or special license tags or plates:

(a) Which are issued under Section 27-19-45, 27-19-46, 27-19-47.1, 27-19-47.2, 27-19-48, 27-19-49, 27-19-53, 27-19-55, 27-19-56, 27-19-56.1, 27-19-56.2, 27-19-56.3, 27-19-56.5, 27-19-56.6, 27-19-56.9, 27-19-56.11, 27-19-56.12, 27-19-56.13, 27-19-56.62, 27-19-56.69, 27-19-56.79, 27-19-56.90, 27-19-56.125, 27-19-56.127, 27-19-56.137, 27-19-56.162, 27-19-56.187, 27-19-56.199, 27-19-56.239, 27-19-56.292, 27-19-56.318, 27-19-56.379 *** * ***, Section 27-19-56.466 or Section 22 of this act; or

(b) For which no additional fee is required to be paid.

SECTION 24. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for each motor vehicle registered in his name, which shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Department of Archives and History, may prescribe. The Stennis Flag designed by Laurin Stennis shall be featured prominently on the license tag. The Department of Revenue shall prescribe such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive

license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the special fund created in subsection (7) of this section.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) There is established in the State Treasury a special fund which shall consist of monies deposited therein under subsection (4) of this section. Monies in the fund may be expended by the Mississippi Department of Archives and History, upon appropriation by the Legislature, for the operation and maintenance of the Mississippi Museum of History and the Mississippi Civil Rights Museum. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the

State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund.

SECTION 25. Section 27-19-56.15, Mississippi Code of 1972, is amended as follows:

27-19-56.15. (1) (a) Beginning with any registration year commencing on or after July 1, 2012, any owner of a motor vehicle who is a resident of this state, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount of Fifty Dollars ($50.00), shall be issued a distinctive license tag that displays the emblem of any public or private university of his choice located in another state.

(b) The design of the emblems for the distinctive license tags authorized under this subsection shall be determined by agreement between the Department of Revenue and the governing authorities of public or private universities in the states where the universities are located. Such other design characteristics and information to be contained on such distinctive license tags shall be determined by the Department of Revenue.

(c) Application for the distinctive license tag authorized under this subsection shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(d) (i) The Department of Revenue shall deposit all fees that it receives under this subsection into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who, except as otherwise provided in this paragraph (d), shall distribute such collections as follows:

1. Forty-four Dollars ($44.00) of the additional fees collected from each distinctive license tag issued under this subsection shall be deposited into the State General Fund.

2. One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(ii) The Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of Auburn University as follows:

1. Except as otherwise provided in this item 1, Forty-four Dollars ($44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Adult Education Department of the Rankin County School District for the purpose of providing funds for the Rankin County School District GED Scholarship Endowment. However, from and after January 1, 2013, Forty-four Dollars ($44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to Habitat for Humanity/Metro Jackson, Inc.

2. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars ($2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(iii) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the University of Alabama as follows:

1. Forty-four Dollars ($44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Friends of Children's Hospital.

2. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars ($2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(iv) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the University of South Alabama as follows:

1. Forty-four Dollars ($44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be deposited into the Mississippi Trauma Care Systems Fund established in Section 41-59-75.

2. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars ($2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this

section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(v) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the University of Oklahoma as follows:

1. Forty-four Dollars ($44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to Mississippi Gulf Coast Y.M.C.A., Inc.

2. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars ($2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(vi) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the Louisiana State University as follows:

1. Forty-four Dollars ($44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Bayou Bengal Booster Club of Mississippi to be utilized by the club to make contributions to charitable organizations that are approved by the Chancellor of Louisiana State University.

2. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars ($2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(vii) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the University of Memphis as follows:

1. Twenty-two Dollars ($22.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to Baptist Memorial Hospital DeSoto.

2. Twenty-two Dollars ($22.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Methodist Healthcare Foundation for the Methodist Olive Branch Hospital.

3. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

4. Two Dollars ($2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

5. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(viii) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of Clemson University as follows:

1. Forty-four Dollars ($44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Magnolia Clemson Club.

2. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars ($2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(ix) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of Texas A&M University as follows:

1. Forty-four Dollars ($44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Aggie Scholarship Committee, Inc.

2. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars ($2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(x) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of Florida State University as follows:

1. Forty-four Dollars ($44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Florida State University Veterans Alliance Fund.

2. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars ($2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar ($1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(2) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(3) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be

distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(4) In order for a distinctive license tag for a university to be issued pursuant to this section, the provisions of Section 27-19-44(3) must be satisfied for such university license tag prior to July 1, * * * 2022.

SECTION 26. Section 27-19-56.108, Mississippi Code of 1972, is amended as follows:

27-19-56.108. (1) Beginning with any registration year commencing on or after July 1, 2011, any owner of a motor vehicle, who is a resident of this state, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be issued a special license tag for each motor vehicle registered in his name identifying him as a supporter of Rotary International. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Past Governor, District 6820, Rotary International, may prescribe, and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the department shall certify to the State Treasurer the total fees collected under this section from the issuance of the

distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be disbursed equally to District 6800, District 6820 and District 6840, Rotary International.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section,

which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed proportionately in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(5) must be satisfied for the distinctive license tag before July 1, * * * 2021.

SECTION 27. Section 27-19-56.315, Mississippi Code of 1972, is amended as follows:

27-19-56.315. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Juvenile Diabetes Research Foundation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Chapter of the Juvenile Diabetes Research Foundation, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the

time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Chapter of the Juvenile Diabetes Research Foundation.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(4) must be satisfied for the distinctive license tag before July 1, 2021.

SECTION 28. Section 27-19-56.402, Mississippi Code of 1972, is amended as follows:

27-19-56.402. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Children's Advocacy Centers of Mississippi. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Children's Advocacy Centers of Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis

as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2015, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Children's Advocacy Centers of Mississippi.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2022.

SECTION 29. Section 27-19-56.314, Mississippi Code of 1972, is amended as follows:

27-19-56.314. (1) Beginning with any registration year commencing on or after July 1, 2016, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the MIND Center at the University of Mississippi

Medical Center. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the MIND Center at the University of Mississippi Medical Center, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license

tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to a special fund hereby created in the State Treasury to the credit of the MIND Center at the University of Mississippi Medical Center. The fund shall be available for expenditure at the discretion of the University of Mississippi Medical Center for the benefit of the MIND Center.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be

satisfied for the distinctive license tag before July 1, * * * 2022.

SECTION 30. Section 27-19-56.342, Mississippi Code of 1972, is amended as follows:

27-19-56.342. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Callaway High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Callaway High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be distributed to Callaway High School for support of the school's athletics program.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and

affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2022.

SECTION 31. Section 27-19-56.313, Mississippi Code of 1972, is amended as follows:

27-19-56.313. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Pearl River Valley Water Supply District, also known as "The Rez." The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Executive Committee acting for the Board of

Directors of the Pearl River Valley Water Supply District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive

license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the * * * Barnett Reservoir Foundation.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 32. Section 27-19-53, Mississippi Code of 1972, is amended as follows:

27-19-53. (1) Any legal resident of the State of Mississippi who is a veteran of service in the Armed Forces of the United States, and who is rated as having one hundred percent

(100%) permanent service-connected disability by the Veterans' Administration is privileged to purchase annually under this subsection * * * two (2) motor vehicle license plates ortags in his or her county of legal residence, for the sum of One Dollar ($1.00) in total cost for each plate or tag, regardless of make or model of motor vehicle. The registration year of such motor vehicle shall commence the first day of the month in which application for registration is made, as provided in Section 27-19-31.

(a) Not more than * * * two (2) such motor vehicle license plates or tags shall be issued under this subsection to each such qualified veteran.

(b) This section pertains only to taxes or plates for private passenger motor vehicles or pickup trucks.

(c) Proof of ownership of a particular motor vehicle for which a license plate or tag is requested must be shown at time of application for such plate or tag.

(d) Vehicles owned by such veterans are exempt under this subsection from all ad valorem and privilege taxes; however, the surviving spouse of a deceased person who was issued a license plate or tag under this subsection shall be entitled to apply for or retain a license tag issued under this subsection and may continue annually to renew registration for * * * two (2) motor vehicle license plates or tags under this subsection for as long as the spouse remains unmarried. In addition, if a deceased person who was eligible to be issued a license plate or tag under this subsection did not apply for or was not issued a license plate or tag, the surviving spouse of such deceased person shall be entitled to apply for and be issued a license plate or tag under this subsection and may continue annually to renew registration for * * * two (2) motor vehicle license plates or tags under this subsection for as long as the spouse remains unmarried. At the time of application or renewal registration, a surviving spouse who desires to retain * * * a distinctive plate or tag issued under this subsection shall file with the county tax collector a sworn statement that the spouse is unmarried. Any such vehicle when so registered shall be exempt from all ad valorem and privilege taxes.

(2) Any person who is entitled to obtain * * * license tags under subsection (1) of this section may be issued one (1) additional such license tag for any other vehicle registered in his or her name upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as otherwise prescribed by law for the particular vehicle.

(3) The Department of Revenue is directed to furnish each veteran obtaining a license tag under this section an emblem, which the veteran shall attach securely to the tag, showing that the tag was issued to a disabled American veteran.

(4) A license issued under this section shall not be transferable to any other person.

(5) Any person evading or violating any of the provisions of this section, or attempting to secure benefits under this section to which he is not entitled, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars ($1,000.00) or imprisoned in the county jail for not less than ninety (90) days, or both.

SECTION 33. Section 27-19-56.162, Mississippi Code of 1972, is amended as follows:

27-19-56.162. (1) There shall be issued beginning July 1, 2008, special motor vehicle license tags honoring the family members of service members who have * * * died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war. The license tag shall be officially designated as the Gold Star license plate.

(2) Except as otherwise provided in this section, any owner of a motor vehicle who is a resident of this state and a family member of a service member who has * * * died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (5) of this section, shall be issued

a Gold Star license tag for any motor vehicle registered in his name. The distinctive license tag shall be of such color and design as the * * * Department of Revenue, with the advice of supporters of this license tag, may prescribe; however, the license tag shall bear in a conspicuous place a gold star with blue fringe on a white background with a red border that is the symbol for a fallen service member and shall have the words "Gold Star Family" and the branch of the United States Armed Forces in which the family member served displayed on it.

(3) One (1) Gold Star license tag issued to the mother of the service member who * * * died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, and one (1) Gold Star license tag issued to the unremarried spouse of the service member who * * * died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, shall be exempt from ad valorem taxes, privilege taxes and all other taxes and fees.

(4) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the * * * Department of Revenue. The application and the additional fee imposed under subsection (5) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the * * * Department of

Revenue on a monthly basis as prescribed by the * * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(5) Except as otherwise provided in this section, beginning with any registration year commencing on or after July 1, 2008, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrent with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(6) The * * * Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the * * * Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of a fund to be administered by the board overseeing the veterans nursing homes in this state for the benefit of indigent veterans who are residents of such nursing homes.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(7) A Gold Star license tag issued pursuant to this section may be personalized in the manner provided for in Section 27-19-48 upon payment of the additional fee prescribed in that section.

(8) * * * In order to qualify as a family member, the person must be directly related to the fallen service member as their unremarried spouse, child, stepchild, legal mother or father,

sibling related by blood or legal adoption, step-sibling, grandparent, grandchild, aunt, uncle or stepparent who is currently married to the mother or father of the fallen service member.

* * *

(9) Whether a service member is deemed to have * * * died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war shall be determined by the classification of death as listed by the United States Department of Defense and may be verified from documentation directly from the Department of Defense or from its subordinate agencies such as the Coast Guard, Reserve or National Guard. A classification of * * * having died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war by the Department of Defense shall be prima facie evidence that the service member * * * died in such manner. Documentation of the fact that the service member * * * died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war and proof of relationship to the service member shall be required by the county tax collector before issuing a Gold Star license plate. The county tax collector may waive the documentation if he or she has actual knowledge of the family relationship and that the service member * * * died while serving

on active duty in the Armed Forces of the United States while the United States was involved in hostile activities or a time of war.

(10) The Gold Star license plate shall be issued only to family members of service members that resided in Mississippi at the time of the death of the service member.

(11) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(12) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 34. Section 27-51-41, Mississippi Code of 1972, is amended as follows:

27-51-41. (1) The exemptions from the provisions of this chapter shall be confined to those persons or property exempted by this chapter or by the provisions of the Constitution of the United States or the State of Mississippi. No exemption as now provided by any other statute shall be valid as against the tax levied by this chapter. Any subsequent exemption from the tax levied hereunder shall be provided by amendment to this section which shall be inserted in the bill at length.

(2) The following shall be exempt from ad valorem taxation:

(a) All motor vehicles, as defined in this chapter, and including motor-propelled farm implements and vehicles, while in the hands of bona fide dealers as merchandise and which are not being operated upon the highways of this state.

(b) All motor vehicles belonging to the federal government or the State of Mississippi or any agencies or instrumentalities thereof.

(c) All motor vehicles owned by any school district in the state.

(d) All motor vehicles owned by any fire protection district incorporated in accordance with Sections 19-5-151 through 19-5-207 or by any fire protection grading district incorporated in accordance with Sections 19-5-215 through 19-5-241.

(e) All motor vehicles owned by units of the Mississippi National Guard.

(f) All motor vehicles which are exempted from highway privilege taxes under Section 27-19-1 et seq.

(g) All motor vehicles operated in this state as common and contract carriers of property, private commercial carriers of property, private carriers of property and buses, all of which have a gross weight in excess of ten thousand (10,000) pounds.

(h) Antique automobiles as defined in Section 27-19-47, and antique pickup trucks as provided for under Section 27-19-47.2, Mississippi Code of 1972.

(i) Street rods as defined in Section 27-19-56.6.

(j) * * * Two (2) motor vehicles owned by a disabled American veteran, or by the spouse of a deceased disabled American veteran, who is entitled to purchase a distinctive license plate or tag in accordance with Section 27-19-53, regardless of the license plate or tag issued to the disabled American veteran or the veteran's spouse if the disabled American veteran is deceased.

(k) One (1) motor vehicle owned by the unremarried surviving spouse of a member of the Armed Forces of the United States who, while on active duty, is killed or dies and one (1) motor vehicle owned by the unremarried surviving spouse of a member of a reserve component of the Armed Forces of the United States or of the National Guard who, while on active duty for training, is killed or dies.

(l) Motor vehicles owned by recipients of the Congressional Medal of Honor or by former prisoners of war, or by spouses of such deceased persons, in accordance with Section 27-19-54.

(m) (i) One (1) private carrier of passengers, as defined in Section 27-19-3, owned by any religious society, ecclesiastical body or any congregation thereof which is used exclusively for such society and not for profit.

(ii) All motor vehicles owned by any such religious society or any educational institution having a seating capacity greater than seven (7) passengers and used exclusively for transporting passengers for religious or educational purposes and not for profit.

(n) All motor vehicles primarily used as rentals under rental agreements with a term of not more than thirty (30) continuous days each and under the control of persons who are engaged in the business of renting such motor vehicles and who are subject to the tax under Section 27-65-231.

(o) Antique motorcycles as defined in Section 27-19-47.1.

(p) One (1) motor vehicle owned by a recipient of the Purple Heart, and one (1) motor vehicle owned by the unremarried surviving spouse of a recipient of the Purple Heart, as provided in Section 27-19-56.5.

(q) Motor vehicles that are eligible to display an authentic historical license plate as provided for in Section 27-19-56.11.

(r) Motor vehicles that are (i) designed or adapted to be used exclusively in the preparation and loading of chemicals or other material for aerial agricultural application to crops; and (ii) only incidentally used on public roadways in this state.

(s) One (1) motor vehicle owned by the mother of a service member who * * * died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, * * * as provided for in Section 27-19-56.162.

(t) One (1) motor vehicle owned by the unremarried spouse of a service member who * * * died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, * * * as provided for in Section 27-19-56.162.

(u) Buses and other motor vehicles that are (a) owned and operated by an entity that has entered into a contract with a school board under Section 37-41-31 for the purpose of transporting students to and from schools and (b) used by the entity for such transportation purposes. This paragraph (u) shall apply to contracts entered into or renewed on or after July 1, 2010.

(v) One (1) motor vehicle owned by a recipient of the Silver Star, and one (1) motor vehicle owned by the unremarried surviving spouse of a recipient of the Silver Star, as provided in Section 27-19-56.284.

(w) One (1) motor vehicle owned by a person who is a law enforcement officer and who (i) was wounded or otherwise received intentional or accidental bodily injury, regardless of whether occurring before or after July 1, 2014, while engaged in the performance of his official duties, provided the wound or injury was not self-inflicted, (ii) was required to receive medical treatment for the wound or injury due to the nature and extent of the wound or injury, and (iii) is eligible to receive a special license plate or tag under Section 27-19-56 as a result of such wound or injury, regardless of whether the person obtains such a plate or tag. Application for the exemption provided in this paragraph (w) may be made at the time of initial registration of a vehicle and renewal of registration. In addition, an applicant for the exemption must provide official written documentation that (i) the applicant is a law enforcement officer who was wounded or otherwise received intentional or accidental bodily injury while engaged in the performance of his official duties and that the wound or injury was not self-inflicted along with official written documentation verifying receipt of medical treatment for the wound or injury and the nature and extent of the wound or injury, and (ii) the applicant is eligible to receive a special license plate or tag under Section 27-19-56 as a result of such wound or injury, regardless of whether the person obtains such a plate or tag.

(x) One (1) motor vehicle owned by an honorably discharged veteran of the Armed Forces of the United States who served during World War II, and one (1) motor vehicle owned by the unremarried surviving spouse of such veteran, as provided in Section 27-19-56.438.

(3) Any claim for tax exemption by authority of the above-mentioned code sections or by any other legal authority shall be set out in the application for the road and bridge privilege license, and the specific legal authority for such tax exemption claim shall be cited in said application, and such authority cited shall be shown by the tax collector on the tax receipt as his authority for not collecting such ad valorem taxes, and the tax collector shall carry forward such information in his tax collection reports.

(4) Any motor vehicle driven over the highways of this state to the extent that the owner of such motor vehicle is required to purchase a road and bridge privilege license in this state, yet the legal situs of such motor vehicle is located in another state, shall be exempt from ad valorem taxes authorized by this chapter.

(5) If a taxpayer shall sell, trade or otherwise dispose of a vehicle on which the ad valorem and road and bridge privilege taxes have been paid in any county in the state, he shall remove the license plate from the vehicle. Such license plate must be surrendered to the issuing authority with the corresponding tax receipt, if required, and credit shall be allowed for the taxes

paid for the remaining tax year on like privilege or ad valorem taxes due on another vehicle owned by the seller or transferor or by the seller's or transferor's spouse or dependent child. If the seller or transferor does not elect to receive such credit at the time the license plate is surrendered, the issuing authority shall issue a certificate of credit to the seller or transferor, or to the seller's or transferor's spouse or dependent child, or to any other person, business or corporation, at the direction of the seller or transferor, for the remaining unexpired taxes prorated from the first day of the month following the month in which the license plate is surrendered. The total of such credit may be used by the person or entity to whom the certificate of credit is issued, regardless of the relative amounts attributed to privilege taxes or to county, school or municipal ad valorem taxes. Any credit allowed for taxes due or any certificate of credit issued may be applied to like taxes owed in any county by the person to whom the credit is allowed or by the person possessing the certificate of credit. No credit, however, shall be allowed on the charge made for the license plate. Such license plates surrendered to the tax collector shall be retained by him, and in no event shall such license plate be attached to any vehicle after being surrendered to the tax collector, nor shall any license plate be transferred from one (1) vehicle to any other vehicle.

(6) If the person owning a vehicle subject to taxation under the provisions of this chapter does not operate such vehicle on

the highways of this state from the date of acquisition or, if previously registered, from the end of the anniversary month of the tag and decals to the date on which he makes application for a current license tag or decals, he shall pay such ad valorem tax for a period of twelve (12) months beginning with the first day of the month in which he applies for a current license tag or decals under Chapter 19, Title 27, Mississippi Code of 1972. The owner shall submit an affidavit with an application attesting to the fact that the vehicle was not operated on the highways of this state from the date of acquisition or, if previously registered, from the end of the anniversary month of the tag and decals to the date on which he makes application for the current license tag or decals.

(7) Any person found violating any of the provisions of this section shall be arrested and tried, and if found guilty shall be fined in an amount double the total amount of taxes involved.

SECTION 35. Section 27-19-56.186, Mississippi Code of 1972, is amended as follows:

27-19-56.186. (1) In recognition of the patriotic services rendered by Mississippians who are recipients of the Southwest Asia Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal * * *, the Armed Forces Expeditionary Medal or the Inherent Resolve Campaign Medal for service in, or in support of operations in, Iraq, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his or her name identifying him or her as an Iraq veteran. The tags shall be of such color and design as the * * * Department of Revenue, with the advice of the State Veterans Affairs Board, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the * * * Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Southwest Asia Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal * * *, the Armed Forces Expeditionary Medal or the Inherent Resolve Campaign Medal for service in, or in support of operations in, Iraq. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the * * * Department of Revenue on a monthly basis as prescribed by the * * * department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2009, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(4) The * * * Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the * * * Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued under this section shall be deposited in the State Treasury to the credit of a special fund to be administered by the State Veterans Affairs

Board of this state for the benefit of the State Veterans Memorial Cemetery and veterans nursing homes in this state.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and

affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 36. Section 27-19-52, Mississippi Code of 1972, is amended as follows:

27-19-52. Any federal judge or magistrate, any justice of the Mississippi Supreme Court, any judge of the Mississippi Court of Appeals, any chancellor or circuit court judge, any county court judge, any senior judge on senior status appointed under Section 9-1-107, the United States Attorney or any attorney assigned to his office, or any state district attorney or assistant district attorney, upon the payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, may, upon request, be issued a motor vehicle license tag by the * * * Department of Revenue whose number cannot be traced except by a law enforcement agency upon a request directed to the * * * Department of Revenue that is related to a legitimate law enforcement purpose. The motor vehicle license tag letters or numbers, or both, shall be assigned by the * * * Department of Revenue and the tag shall be indistinguishable from a regular motor vehicle license tag. The tag shall be applied for at the county tax collector's office and the application shall be directed to the * * * Department of Revenue for issuance of the tag by whatever method the * * * department considers appropriate. For all purposes, other than the issuance of the tag and its inability to be traced, the tag shall be treated in the same manner as a regular motor vehicle license tag.

SECTION 37. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2576

Description: Fraudulent reports; Child Protection Services may divulge information under certain circumstances.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Judiciary, Division A
2	01/31	(S)	Title Suff Do Pass
3	02/12	(S)	Passed {Vote}
4	02/13	(S)	Transmitted To House
5	02/19	(H)	Referred To Judiciary A
6	02/26	(H)	Title Suff Do Pass As Amended
7	03/12	(H)	Amended
8	03/12	(H)	Passed As Amended {Vote}
9	03/13	(H)	Returned For Concurrence
10	03/21	(S)	Decline to Concur/Invite Conf
11	03/27	(S)	Conferees Named Hopson,Parker,Carter
12	03/27	(H)	Conferees Named Baker,Banks,Watson
13	03/27	(H)	Conference Report Filed
14	03/27	(S)	Conference Report Filed
15	03/28	(S)	Conference Report Adopted {Vote}
16	03/28	(H)	Conference Report Adopted {Vote}
17	04/04	(S)	Enrolled Bill Signed
18	04/04	(H)	Enrolled Bill Signed
19	04/05		Due From Governor 04/23/19

Amendments:
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2576

Conference Reports:
| Conference Report

Code Section: A 097-0035-0047, A 043-0021-0257, A 043-0021-0261, A 043-0021-0353

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: Parker
Additional Authors: Hill, Moran, Carter, Jackson (32nd), Jackson (11th), Massey

Title: AN ACT TO AMEND SECTION 97-35-47, MISSISSIPPI CODE OF 1972, AS AMENDED BY SECTION 16 OF SENATE BILL NO. 2480, 2019 REGULAR SESSION, TO PROVIDE THAT THE FALSE REPORT OF CHILD ABUSE OR NEGLECT TO THE DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE PUNISHABLE AS A MISDEMEANOR; TO AMEND SECTIONS 43-21-257, AS AMENDED BY SECTION 12 OF SENATE BILL NO. 2480, 2019 REGULAR SESSION, AND 43-21-261, AS AMENDED BY SECTION 2 OF SENATE BILL NO. 2480, 2019 REGULAR SESSION, MISSISSIPPI CODE OF 1972, TO REVISE THE APPROPRIATE RELEASE OF THE IDENTITY OF A REPORTER WHO KNOWINGLY REPORTED A FALSE ALLEGATION OF CHILD ABUSE OR NEGLECT, AND TO CORRECT REFERENCES TO THE DEPARTMENT OF CHILD PROTECTION SERVICES; TO AMEND SECTION 43-21-353, MISSISSIPPI CODE OF 1972, AS AMENDED BY SECTION 5 OF HOUSE BILL NO. 571, 2019 REGULAR SESSION, SECTION 1 OF HOUSE BILL NO. 1117, 2019 REGULAR SESSION, AND SECTION 3 OF SENATE BILL NO. 2840, 2019 REGULAR SESSION, TO ALLOW A LIMITED RELEASE OF OTHERWISE CONFIDENTIAL INFORMATION CONCERNING A REPORTER WHO KNOWINGLY MADE A FALSE ALLEGATION OF ABUSE OR NEGLECT AND TO CORRECT REFERENCES TO THE DEPARTMENT OF CHILD PROTECTION SERVICES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2019

By: Senator(s) Parker, Hill, Moran, Carter, Jackson (32nd), Jackson (11th), Massey

To: Judiciary, Division A

SENATE BILL NO. 2576
(As Sent to Governor)

AN ACT TO AMEND SECTION 97-35-47, MISSISSIPPI CODE OF 1972, AS AMENDED BY SECTION 16 OF SENATE BILL NO. 2480, 2019 REGULAR SESSION, TO PROVIDE THAT THE FALSE REPORT OF CHILD ABUSE OR NEGLECT TO THE DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE PUNISHABLE AS A MISDEMEANOR; TO AMEND SECTIONS 43-21-257, AS AMENDED BY SECTION 12 OF SENATE BILL NO. 2480, 2019 REGULAR SESSION, AND 43-21-261, AS AMENDED BY SECTION 2 OF SENATE BILL NO. 2480, 2019 REGULAR SESSION, MISSISSIPPI CODE OF 1972, TO REVISE THE APPROPRIATE RELEASE OF THE IDENTITY OF A REPORTER WHO KNOWINGLY REPORTED A FALSE ALLEGATION OF CHILD ABUSE OR NEGLECT, AND TO CORRECT REFERENCES TO THE DEPARTMENT OF CHILD PROTECTION SERVICES; TO AMEND SECTION 43-21-353, MISSISSIPPI CODE OF 1972, AS AMENDED BY SECTION 5 OF HOUSE BILL NO. 571, 2019 REGULAR SESSION, SECTION 1 OF HOUSE BILL NO. 1117, 2019 REGULAR SESSION, AND SECTION 3 OF SENATE BILL NO. 2840, 2019 REGULAR SESSION, TO ALLOW A LIMITED RELEASE OF OTHERWISE CONFIDENTIAL INFORMATION CONCERNING A REPORTER WHO KNOWINGLY MADE A FALSE ALLEGATION OF ABUSE OR NEGLECT AND TO CORRECT REFERENCES TO THE DEPARTMENT OF CHILD PROTECTION SERVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-35-47, Mississippi Code of 1972, as amended by Section 16 of Senate Bill No. 2480, 2019 Regular Session, is amended as follows:

97-35-47. It shall be unlawful for any person to report a crime or any element of a crime, including an allegation of child abuse or neglect, to any law enforcement agency or officer, the

Department of Child Protection Services, or any officer of any court, by any means, knowing that * * * the report is false. A violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed Five Thousand Dollars ($5,000.00), or both. In addition to any fine and imprisonment, and upon proper showing made to the court, the defendant shall be ordered to pay as restitution to the law enforcement agency reimbursement for any reasonable costs directly related to the investigation of the falsely reported crime and the prosecution of any person convicted under this section.

A report is false under this section when it is unsupported by any credible evidence and the person intentionally submitted the report knowing it was false.

SECTION 2. Section 43-21-257, Mississippi Code of 1972, as amended by Section 12 of Senate Bill No. 2480, 2019 Regular Session, is amended as follows:

43-21-257. (1) Unless otherwise provided in this section, any record involving children, including valid and invalid complaints, and the contents thereof maintained by the Department of Human Services or the Department of Child Protection Services, or any other state agency, shall be kept confidential and shall not be disclosed except as provided in Section 43-21-261.

(2) The Office of Youth Services shall maintain a state central registry containing the number and disposition of all

cases together with such other useful information regarding those cases as may be requested and is obtainable from the records of the youth court. The Office of Youth Services shall annually publish a statistical record of the number and disposition of all cases, but the names or identity of any children shall not be disclosed in the reports or records. The Office of Youth Services shall adopt such rules as may be necessary to carry out this subsection. The central registry files and the contents thereof shall be confidential and shall not be open to public inspection. Any person who discloses or encourages the disclosure of any record involving children from the central registry shall be subject to the penalty in Section 43-21-267. The youth court shall furnish, upon forms provided by the Office of Youth Services, the necessary information, and these completed forms shall be forwarded to the Office of Youth Services. The Department of Human Services and its employees are exempt from any civil liability as a result of any action taken pursuant to the compilation or release of information on the central registry under this section and any other applicable section of this code, unless determined that an employee has willfully and maliciously violated the rules and administrative procedures of the department pertaining to the central registry or any section of this code. If an employee is determined to have willfully and maliciously performed such a violation, said employee shall not be exempt from civil liability in this regard.

(3) The Department of * * * Child Protection Services shall maintain a state central registry on neglect and abuse cases containing (a) the name, address and age of each child, (b) the nature of the harm reported, (c) the name and address of the person responsible for the care of the child, and (d) the name and address of the substantiated perpetrator of the harm reported. "Substantiated perpetrator" shall be defined as an individual who has committed an act(s) of sexual abuse or physical abuse that would otherwise be deemed as a felony or any child neglect that would be deemed as a threat to life * * *. A name is to be added to the registry only based upon a criminal conviction or an adjudication by a youth court judge or court of competent jurisdiction, ordering that the name of the perpetrator be listed on the central registry * * *. The central registry shall be confidential and shall not be open to public inspection. Any person who discloses or encourages the disclosure of any record involving children from the central registry without following the rules and administrative procedures of the department shall be subject to the penalty in Section 43-21-267. The Department of * * * Child Protection Services and its employees are exempt from any civil liability as a result of any action taken pursuant to the compilation * * * or release of information on the central registry under this section and any other applicable section of * * * this code, unless determined that an employee has willfully and maliciously violated the rules and administrative

procedures of the department * * * pertaining to the central registry or any section of this code. If an employee is determined to have willfully and maliciously performed such a violation, said employee shall not be exempt from civil liability in this regard.

(4) The Mississippi State Department of Health may release the findings of investigations into allegations of abuse within licensed day care centers made under the provisions of Section 43-21-353(8) to any parent of a child who is enrolled in the day care center at the time of the alleged abuse or at the time the request for information is made. The findings of any such investigation may also be released to parents who are considering placing children in the day care center. No information concerning those investigations may contain the names or identifying information of individual children.

The Department of Health shall not be held civilly liable for the release of information on any findings, recommendations or actions taken pursuant to investigations of abuse that have been conducted under Section 43-21-353(8).

SECTION 3. Section 43-21-261, Mississippi Code of 1972, as amended by Section 2 of Senate Bill No. 2480, 2019 Regular Session, is amended as follows:

43-21-261. (1) Except as otherwise provided in this section, records involving children shall not be disclosed, other than to necessary staff or officials of the youth court, a guardian ad litem appointed to a child by the court, or a Court-Appointed Special Advocate (CASA) volunteer * * * who may be assigned in an abuse and neglect case, except pursuant to an order of the youth court specifying the person or persons to whom the records may be disclosed, the extent of the records which may be disclosed and the purpose of the disclosure. Such court orders for disclosure shall be limited to those instances in which the youth court concludes, in its discretion, that disclosure is required for the best interests of the child, the public safety * * *, the functioning of the youth court, or to identify a person who knowingly made a false allegation of child abuse or neglect, and then only to the following persons:

(a) The judge of another youth court or member of another youth court staff;

(b) The court of the parties in a child custody or adoption cause in another court;

(c) A judge of any other court or members of another court staff, including the chancery court that ordered a forensic interview;

(d) Representatives of a public or private agency providing supervision or having custody of the child under order of the youth court;

(e) Any person engaged in a bona fide research purpose, provided that no information identifying the subject of the records shall be made available to the researcher unless it is absolutely essential to the research purpose and the judge gives prior written approval, and the child, through his or her representative, gives permission to release the information;

(f) The Mississippi Department of Employment Security, or its duly authorized representatives, for the purpose of a child's enrollment into the Job Corps Training Program as authorized by Title IV of the Comprehensive Employment Training Act of 1973 (29 USCS Section 923 et seq.). However, no records, reports, investigations or information derived therefrom pertaining to child abuse or neglect shall be disclosed;

(g) * * * Any person pursuant to a finding by a judge of the youth court of compelling circumstances affecting the health, safety or well-being of a child and that such disclosure is in the best interests of the child or an adult who was formerly the subject of a youth court delinquency proceeding * * *;

(h) A person who was the subject of a knowingly made false allegation of child abuse or neglect which has resulted in a conviction of a perpetrator in accordance with Section 97-35-47 or which allegation was referred by the Department of Child Protection Services to a prosecutor or law enforcement official in accordance with the provisions of Section 43-21-353(4).

Law enforcement agencies may disclose information to the public concerning the taking of a child into custody for the commission of a delinquent act without the necessity of an order from the youth court. The information released shall not identify the child or his address unless the information involves a child convicted as an adult.

(2) Any records involving children which are disclosed under an order of the youth court or pursuant to the terms of this section and the contents thereof shall be kept confidential by the person or agency to whom the record is disclosed unless otherwise provided in the order. Any further disclosure of any records involving children shall be made only under an order of the youth court as provided in this section.

(3) Upon request, the parent, guardian or custodian of the child who is the subject of a youth court cause or any attorney for such parent, guardian or custodian, shall have the right to inspect any record, report or investigation * * * relevant to a matter to be heard by a youth court, except that the identity of the reporter shall not be released, nor the name of any other person where the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of such person. The attorney for the parent, guardian or custodian of the child, upon request, shall be provided a copy of any record, report or investigation * * * relevant to a matter to be heard by a youth court, but the identity of the reporter must be redacted and the name of any other person must also be redacted if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life, safety or well-being of the

person. A record provided to the attorney under this section * * * must remain in the attorney's control and the attorney may not provide copies or access to another person or entity without prior consent of a court with appropriate jurisdiction.

(4) Upon request, the child who is the subject of a youth court cause shall have the right to have his counsel inspect and copy any record, report or investigation which is filed with the youth court or which is to be considered by the youth court at a hearing.

(5) (a) The youth court prosecutor or prosecutors, the county attorney, the district attorney, the youth court defender or defenders, or any attorney representing a child shall have the right to inspect and copy any law enforcement record involving children.

(b) The Department of * * * Child Protection Services shall disclose to a county prosecuting attorney or district attorney any and all records resulting from an investigation into suspected child abuse or neglect when the case has been referred by the Department of * * * Child Protection Services to the county prosecuting attorney or district attorney for criminal prosecution.

(c) Agency records made confidential under the provisions of this section may be disclosed to a court of competent jurisdiction.

(d) Records involving children shall be disclosed to the Division of Victim Compensation of the Office of the Attorney General upon the division's request without order of the youth court for purposes of determination of eligibility for victim compensation benefits.

(6) Information concerning an investigation into a report of child abuse or child neglect may be disclosed by the Department of * * * Child Protection Services without order of the youth court to any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, or a public or private school employee making that report pursuant to Section 43-21-353(1) if the reporter has a continuing professional relationship with the child and a need for such information in order to protect or treat the child.

(7) Information concerning an investigation into a report of child abuse or child neglect may be disclosed without further order of the youth court to any interagency child abuse task force established in any county or municipality by order of the youth court of that county or municipality.

(8) Names and addresses of juveniles twice adjudicated as delinquent for an act which would be a felony if committed by an adult or for the unlawful possession of a firearm shall not be held confidential and shall be made available to the public.

(9) Names and addresses of juveniles adjudicated as delinquent for murder, manslaughter, burglary, arson, armed robbery, aggravated assault, any sex offense as defined in Section 45-33-23, for any violation of Section 41-29-139(a)(1) or for any violation of Section 63-11-30, shall not be held confidential and shall be made available to the public.

(10) The judges of the circuit and county courts, and presentence investigators for the circuit courts, as provided in Section 47-7-9, shall have the right to inspect any youth court records of a person convicted of a crime for sentencing purposes only.

(11) The victim of an offense committed by a child who is the subject of a youth court cause shall have the right to be informed of the child's disposition by the youth court.

(12) A classification hearing officer of the State Department of Corrections, as provided in Section 47-5-103, shall have the right to inspect any youth court records, excluding abuse and neglect records, of any offender in the custody of the department who as a child or minor was a juvenile offender or was the subject of a youth court cause of action, and the State Parole Board, as provided in Section 47-7-17, shall have the right to inspect such records when the offender becomes eligible for parole.

(13) The youth court shall notify the Department of Public Safety of the name, and any other identifying information such

department may require, of any child who is adjudicated delinquent as a result of a violation of the Uniform Controlled Substances Law.

(14) The Administrative Office of Courts shall have the right to inspect any youth court records in order that the number of youthful offenders, abused, neglected, truant and dependent children, as well as children in need of special care and children in need of supervision, may be tracked with specificity through the youth court and adult justice system, and to utilize tracking forms for such purpose.

(15) Upon a request by a youth court, the Administrative Office of Courts shall disclose all information at its disposal concerning any previous youth court intakes alleging that a child was a delinquent child, child in need of supervision, child in need of special care, truant child, abused child or neglected child, as well as any previous youth court adjudications for the same and all dispositional information concerning a child who at the time of such request comes under the jurisdiction of the youth court making such request.

(16) The Administrative Office of Courts may, in its discretion, disclose to the Department of Public Safety any or all of the information involving children contained in the office's youth court data management system known as Mississippi Youth Court Information Delivery System or "MYCIDS."

(17) The youth courts of the state shall disclose to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) any youth court records in order that the number of youthful offenders, abused, neglected, truant and dependent children, as well as children in need of special care and children in need of supervision, may be tracked with specificity through the youth court and adult justice system, and to utilize tracking forms for such purpose. The disclosure prescribed in this subsection shall not require a court order and shall be made in sortable, electronic format where possible. The PEER Committee may seek the assistance of the Administrative Office of Courts in seeking this information. The PEER Committee shall not disclose the identities of any youth who have been adjudicated in the youth courts of the state and shall only use the disclosed information for the purpose of monitoring the effectiveness and efficiency of programs established to assist adjudicated youth, and to ascertain the incidence of adjudicated youth who become adult offenders.

(18) In every case where an abuse or neglect allegation has been made, the confidentiality provisions of this section shall not apply to prohibit access to a child's records by any state regulatory agency, any state or local prosecutorial agency or law enforcement agency; however, no identifying information concerning the child in question may be released to the public by such agency except as otherwise provided herein.

(19) In every case * * * of child abuse or neglect * * *, if a child's physical condition is medically labeled as medically "serious" or "critical" or a child dies, the confidentiality provisions of this section shall not apply. In such cases * * *, the following information may be released by the Mississippi Department of * * * Child Protection Services: * * * the cause of the circumstances regarding the fatality or medically serious or critical physical condition; the age and gender of the child; information describing any previous reports of child abuse or neglect investigations that are pertinent to the child abuse or neglect that led to the fatality or medically serious or critical physical condition; the result of any such investigations; and the services provided by and actions of the state on behalf of the child that are pertinent to the child abuse or neglect that led to the fatality or medically serious or critical physical condition.

(20) Any member of a foster care review board designated by the Department of * * * Child Protection Services shall have the right to inspect youth court records relating to the abuse, neglect or child in need of supervision cases assigned to such member for review.

(21) Information concerning an investigation into a report of child abuse or child neglect may be disclosed without further order of the youth court in any administrative or due process hearing held, pursuant to Section 43-21-257, by the Department of * * * Child Protection Services for individuals whose names

will be placed on the central registry as substantiated perpetrators.

(22) The Department of Child Protection Services may disclose records involving children to the following:

(a) A foster home, residential child-caring agency or child-placing agency to the extent necessary to provide such care and services to a child;

(b) An individual, agency or organization that provides services to a child or the child's family in furtherance of the child's permanency plan to the extent necessary in providing those services;

(c) Health and mental health care providers of a child to the extent necessary for the provider to properly treat and care for the child;

(d) An educational institution or educational services provider where the child is enrolled or where enrollment is anticipated to the extent necessary for the school to provide appropriate services to the child; and

(e) Any other state agency if the disclosure is necessary to the department in fulfilling its statutory responsibilities in protecting the best interests of the child.

SECTION 4. Section 43-21-353, Mississippi Code of 1972, as amended by Section 5 of House Bill No. 571, 2019 Regular Session, Section 1 of House Bill No. 1117, 2019 Regular Session, and

Section 3 of Senate Bill No. 2840, 2019 Regular Session, is amended as follows:

43-21-353. (1) Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, public or private school employee or any other person having reasonable cause to suspect that a child is a neglected child * * *, an abused child, or a victim of commercial sexual exploitation or human trafficking shall cause an oral report to be made immediately by telephone or otherwise and followed as soon thereafter as possible by a report in writing to the Department of * * * Child Protection Services, and immediately a referral shall be made by the Department of * * * Child Protection Services to the youth court intake unit, which unit shall promptly comply with Section 43-21-357. In the course of an investigation, at the initial time of contact with the individual(s) about whom a report has been made under this Youth Court Act or with the individual(s) responsible for the health or welfare of a child about whom a report has been made under this chapter, the Department of * * * Child Protection Services shall inform the individual of the specific complaints or allegations made against the individual. Consistent with subsection (4), the identity of the person who reported his or her suspicion shall not be disclosed at that point. Where appropriate, the Department of * * * Child Protection Services shall additionally make a referral to the youth court prosecutor.

Upon receiving a report that a child has been sexually abused, is a victim of commercial sexual exploitation or human trafficking or has been burned, tortured, mutilated or otherwise physically abused in such a manner as to cause serious bodily harm, or upon receiving any report of abuse that would be a felony under state or federal law, the Department of * * * Child Protection Services shall immediately notify the law enforcement agency in whose jurisdiction the abuse occurred * * *. Within forty-eight (48) hours, * * * the department must notify the appropriate prosecutor and the Statewide Human Trafficking Coordinator. The department * * * shall have the duty to provide the law enforcement agency all the names and facts known at the time of the report; this duty shall be of a continuing nature. The law enforcement agency and the department * * * shall investigate the reported abuse immediately and shall file a preliminary report with the appropriate prosecutor's office within twenty-four (24) hours and shall make additional reports as new or additional information or evidence becomes available. The department * * * shall advise the clerk of the youth court and the youth court prosecutor of all cases of abuse reported to the department within seventy-two (72) hours and shall update such report as information becomes available. In addition, if the Department of Child Protection Services determines that a parent or other person responsible for the care or welfare of an abused or neglected child maintains active duty status within the military, the department shall notify the applicable military installation family advocacy program that there is an allegation of abuse or neglect that relates to that child.

(2) Any report * * * shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries * * *, any other information that might be helpful in establishing the cause of the injury, and the identity of the perpetrator.

(3) The Department of * * * Child Protection Services shall maintain a statewide incoming wide-area telephone service or similar service for the purpose of receiving reports of suspected cases of child abuse, commercial sexual exploitation or human trafficking; provided that any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer or public or private school employee who is required to report under subsection (1) of this section shall report in the manner required in subsection (1).

(4) Reports of abuse * * *, neglect and commercial sexual exploitation or human trafficking made under this chapter and the identity of the reporter are confidential except when the court in

which the investigation report is filed, in its discretion, determines the testimony of the person reporting to be material to a judicial proceeding or when the identity of the reporter is released to law enforcement agencies and the appropriate prosecutor pursuant to subsection (1). Reports made under this section to any law enforcement agency or prosecutorial officer are for the purpose of criminal investigation and prosecution only and no information from these reports may be released to the public except as provided by Section 43-21-261. Disclosure of any information by the prosecutor shall be according to the Mississippi Uniform Rules of Circuit and County Court Procedure. The identity of the reporting party shall not be disclosed to anyone other than law enforcement officers or prosecutors without an order from the appropriate youth court. Any person disclosing any reports made under this section in a manner not expressly provided for in this section or Section 43-21-261 shall be guilty of a misdemeanor and subject to the penalties prescribed by Section 43-21-267. Notwithstanding the confidentiality of the reporter's identity under this section, the Department of Child Protection Services may disclose a reporter's identity to the appropriate law enforcement agency or prosecutor if the department has reason to suspect the reporter has made a fraudulent report, and the Department of Child Protection Services must provide to the subject of the alleged fraudulent report written notification of the disclosure.

(5) All final dispositions of law enforcement investigations described in subsection (1) of this section shall be determined only by the appropriate prosecutor or court. All final dispositions of investigations by the Department of * * * Child Protection Services as described in subsection (1) of this section shall be determined only by the youth court. Reports made under subsection (1) of this section by the Department of * * * Child Protection Services to the law enforcement agency and to the district attorney's office shall include the following, if known to the department:

(a) The name and address of the child;

(b) The names and addresses of the parents;

(c) The name and address of the suspected perpetrator;

(d) The names and addresses of all witnesses, including the reporting party if a material witness to the abuse;

(e) A brief statement of the facts indicating that the child has been abused, including whether the child experienced commercial sexual exploitation or human trafficking, and any other information from the agency files or known to the family protection worker or family protection specialist making the investigation, including medical records or other records, which may assist law enforcement or the district attorney in investigating and/or prosecuting the case; and

(f) What, if any, action is being taken by the Department of * * * Child Protection Services.

(6) In any investigation of a report made under this chapter of the abuse or neglect of a child as defined in Section 43-21-105(l) or (m), the Department of * * * Child Protection Services may request the appropriate law enforcement officer with jurisdiction to accompany the department in its investigation, and in such cases the law enforcement officer shall comply with such request.

(7) Anyone who willfully violates any provision of this section shall be, upon being found guilty, punished by a fine not to exceed Five Thousand Dollars ($5,000.00), or by imprisonment in jail not to exceed one (1) year, or both.

(8) If a report is made directly to the Department of * * * Child Protection Services that a child has been abused or neglected or experienced commercial sexual exploitation or human trafficking in an out-of-home setting, a referral shall be made immediately to the law enforcement agency in whose jurisdiction the abuse occurred and the department shall notify the district attorney's office and the Statewide Human Trafficking Coordinator within forty-eight (48) hours of such report. The Department of * * * Child Protection Services shall investigate the out-of-home setting report of abuse or neglect to determine whether the child who is the subject of the report, or other children in the same environment, comes within the jurisdiction of the youth court and shall report to the youth court the department's findings and recommendation as to whether the child

who is the subject of the report or other children in the same environment require the protection of the youth court. The law enforcement agency shall investigate the reported abuse immediately and shall file a preliminary report with the district attorney's office within forty-eight (48) hours and shall make additional reports as new information or evidence becomes available. If the out-of-home setting is a licensed facility, an additional referral shall be made by the Department of * * * Child Protection Services to the licensing agency. The licensing agency shall investigate the report and shall provide the department * * *, the law enforcement agency and the district attorney's office with their written findings from such investigation as well as that licensing agency's recommendations and actions taken.

(9) If a child protective investigation does not result in an out-of-home placement, a child protective investigator must provide information to the parent or guardians about community service programs that provide respite care, counseling and support for children who have experienced commercial sexual exploitation or human trafficking, voluntary guardianship or other support services for families in crisis.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2604

Description: Variable rate refunding bonds; delete requirement that issuance must result in 2% saving over the bonds being refunded.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Finance
2	02/05	(S)	Title Suff Do Pass
3	02/07	(S)	Passed {Vote}
4	02/08	(S)	Transmitted To House
5	02/19	(H)	Referred To Ways and Means
6	03/05	(H)	Title Suff Do Pass As Amended
7	03/07	(H)	Amended
8	03/07	(H)	Passed As Amended {Vote}
9	03/11	(H)	Returned For Concurrence
10	03/21	(S)	Decline to Concur/Invite Conf
11	03/27	(S)	Conferees Named Fillingane,Kirby,Harkins
12	03/27	(H)	Conferees Named Smith,Lamar,White
13	03/27	(H)	Conference Report Filed
14	03/27	(S)	Conference Report Filed
15	03/28	(H)	Conference Report Adopted {Vote}
16	03/28	(S)	Conference Report Adopted {Vote}
17	04/02	(S)	Enrolled Bill Signed
18	04/02	(H)	Enrolled Bill Signed
19	04/02		Due From Governor 04/19/19

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2604

Conference Reports:
Conference Report

Code Section: A 031-0018-0007

----- Additional Information -----

2019 GENERAL LAWS OF MISSISSIPPI SB 2604

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Fillingane

Title: AN ACT TO AMEND SECTION 31-18-7, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT THE STATE BOND COMMISSION MUST FIND THAT, AT THE TIME OF ISSUING VARIABLE RATE REFUNDING BONDS, THE REFUNDING IS EXPECTED TO RESULT IN AN OVERALL NET PRESENT VALUE SAVINGS TO MATURITY OF NOT LESS THAN 2% OF THE BONDS BEING REFUNDED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Fillingane To: Finance

SENATE BILL NO. 2604

AN ACT TO AMEND SECTION 31-18-7, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT THE STATE BOND COMMISSION MUST FIND THAT, AT THE TIME OF ISSUING VARIABLE RATE REFUNDING BONDS, THE REFUNDING IS EXPECTED TO RESULT IN AN OVERALL NET PRESENT VALUE SAVINGS TO MATURITY OF NOT LESS THAN 2% OF THE BONDS BEING REFUNDED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-18-7, Mississippi Code of 1972, is amended as follows:

31-18-7. (1) This section and other applicable provisions of this chapter, without reference to any other statute, shall be deemed full and complete authority for the issuance of variable rate refunding bonds by the state, and shall be construed as an additional and alternative method therefor.

(2) The state, acting by and through the commission, may refund outstanding bonds through the issuance of variable rate refunding bonds. Any such refunding may be effected whether or not the bonds to be refunded shall have then matured or shall thereafter mature.

(3) Variable rate refunding bonds issued pursuant to this chapter may be secured by a pledge of: (a) the same source of security as the bonds to be refunded, or (b) such other security as the state may lawfully pledge, or both; all as may be provided by resolution of the commission.

* * *

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2744

Description: Caller ID Anti-Spoofing Act; conform to federal law and revise penalties.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Energy
2	02/05	(S)	Title Suff Do Pass Comm Sub
3	02/13	(S)	Committee Substitute Adopted
4	02/13	(S)	Amended
5	02/13	(S)	Passed As Amended {Vote}
6	02/18	(S)	Transmitted To House
7	02/20	(H)	Referred To Public Utilities
8	02/28	(H)	Title Suff Do Pass As Amended
9	03/13	(H)	Amended
10	03/13	(H)	Passed As Amended {Vote}
11	03/13	(H)	Motion to Reconsider Entered (Lamar, Beckett, Steverson)
12	03/14	(H)	Motion to Reconsider Tabled
13	03/14	(H)	Returned For Concurrence
14	03/20	(S)	Decline to Concur/Invite Conf
15	03/22	(S)	Conferees Named Doty,Harkins,Polk
16	03/25	(H)	Conferees Named Beckett,Bounds,Steverson
17	03/26	(S)	Conference Report Filed
18	03/26	(H)	Conference Report Filed
19	03/28	(S)	Conference Report Adopted {Vote}
20	03/28	(H)	Conference Report Adopted {Vote}
21	04/03	(S)	Enrolled Bill Signed
22	04/03	(H)	Enrolled Bill Signed
23	04/04	Due	From Governor 04/22/19

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2744

Conference Reports:
| Conference Report

Code Section: A 077-0003-0803, A 077-0003-0805, A 077-0003-0707, A 077-0003-0809

----- Additional Information -----

Senate Committee: Energy
House Committee: Public Utilities

Principal Author: Doty
Additional Authors: Dearing, Michel, Parks, Younger, Hill, Branning, Moran, Massey

Title: AN ACT TO AMEND SECTION 77-3-803, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS OF CERTAIN TERMS AS USED IN THE CALLER ID ANTI-SPOOFING ACT; TO AMEND SECTION 77-3-805, MISSISSIPPI CODE OF 1972, TO REVISE THE PROHIBITION AGAINST CALLER IDENTIFICATION SPOOFING; TO AMEND SECTIONS 77-3-707 AND 77-3-809, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A VIOLATION OF THE CALLER ID ANTI-SPOOFING ACT IS A VIOLATION OF THE MISSISSIPPI TELEPHONE SOLICITATION ACT, WHICH SHALL BE IN ADDITION TO ANY OTHER REMEDIES AND PENALTIES AVAILABLE UNDER THE LAW; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Doty, Dearing, Michel, Parks, Younger, Hill, Branning, Moran, Massey

To: Energy

SENATE BILL NO. 2744
(As Sent to Governor)

AN ACT TO AMEND SECTION 77-3-803, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS OF CERTAIN TERMS AS USED IN THE CALLER ID ANTI-SPOOFING ACT; TO AMEND SECTION 77-3-805, MISSISSIPPI CODE OF 1972, TO REVISE THE PROHIBITION AGAINST CALLER IDENTIFICATION SPOOFING; TO AMEND SECTIONS 77-3-707 AND 77-3-809, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A VIOLATION OF THE CALLER ID ANTI-SPOOFING ACT IS A VIOLATION OF THE MISSISSIPPI TELEPHONE SOLICITATION ACT, WHICH SHALL BE IN ADDITION TO ANY OTHER REMEDIES AND PENALTIES AVAILABLE UNDER THE LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 77-3-803, Mississippi Code of 1972, is amended as follows:

77-3-803. As used in this article:

(a) * * * "Automatic number identification" means a system that identifies the billing account for a call and includes an enhanced 911 service capability that enables the automatic display of the ten-digit number used to place a 911 call from a wire line, wireless, interconnected VoIP or nontraditional telephone service.

(b) * * * "Caller identification information" means information provided by a caller identification service regarding the telephone number, or other origination information, of a call or facsimile transmission made using a telecommunications service or an interconnected VoIP service, or of a text message sent using a text-messaging service.

(c) * * * "Caller identification service" means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or interconnected VoIP service. The term includes automatic number identification services.

(d) * * * "Interconnected VoIP service" means an interconnected Voice over Internet Protocol service that:

(i) Enables real-time, two-way voice communications;

(ii) Requires a broadband internet connection from the user's location;

(iii) Requires internet protocol-compatible customer premises equipment; and

(iv) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

(e) * * * "Place of primary use" means the street address where a subscriber's use of a telecommunications service or interconnected VoIP service primarily occurs, which shall be:

(i) The residential street address or the primary business street address of the subscriber or, in the case of a subscriber of interconnected VoIP service, the subscriber's registered location; and

(ii) Within the licensed service area of the provider.

(f) "Provider" means a person or entity that offers telecommunications service or interconnected VoIP service.

(g) "Registered location" means the most recent information obtained by an interconnected VoIP service provider that identifies the physical location of an end user.

(h) "Subscriber" means a person:

(i) Who subscribes to a caller identification service in connection with a telecommunications service or an interconnected VoIP service; and

(ii) Whose place of primary use for the service described in paragraph (h)(i) is located in Mississippi.

(i) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to classes of users so as to be effectively available directly to the public, regardless of the facilities used.

SECTION 2. Section 77-3-805, Mississippi Code of 1972, is amended as follows:

77-3-805. * * * Except as provided in Section 77-3-807, a person * * * shall not, in connection with any telecommunications service or interconnected VOIP service, knowingly and with the intent to * * * defraud or * * * cause harm to another person or to wrongfully obtain anything of value, cause any caller identification service to transmit misleading or inaccurate caller identification information to a subscriber.

* * *

SECTION 3. Section 77-3-707, Mississippi Code of 1972, is amended as follows:

77-3-707. (1) Except as otherwise provided pursuant to Section 77-3-709 or 77-3-711, a telephone solicitor may not make or cause to be made any telephone solicitation to any consumer in this state unless the telephone solicitor has purchased the "no-calls" database from the commission or the entity under contract with the commission.

(2) Except as otherwise provided pursuant to Section 77-3-709 or 77-3-711, a telephone solicitor may not make or cause to be made any telephone solicitation to any consumer in this state who has given notice to the commission, or the entity under contract with the commission, of his or her objection to receiving telephone solicitations.

(3) The commission, or an entity under contract with the commission, shall establish and operate a "no-calls" database composed of a list of telephone numbers of consumers who have given notice of their objection to receiving telephone solicitations. The "no-calls" database may be operated by the

commission or by another entity under contract with the commission.

(4) Each local exchange company and each competing local exchange carrier shall provide written notification on a semiannual basis to each of its consumers of the opportunity to provide notification to the commission, or the entity under contract with the commission, that the consumer objects to receiving telephone solicitations. The notification must be disseminated at the option of the carrier, by television, radio or newspaper advertisements, written correspondence, bill inserts or messages, a publication in the consumer information pages of the local telephone directory, or any other method not expressly prohibited by the commission.

(5) A telephone solicitor may not violate the Caller ID Anti-Spoofing Act in Section 77-3-801 et seq., and if in violation of such act, he shall also be in violation of this article. In addition to any remedies or penalties otherwise provided by law, such telephone solicitor shall be subject to any remedies or penalties available for a violation of this article.

SECTION 4. Section 77-3-809, Mississippi Code of 1972, is amended as follows:

77-3-809. (1) Any person who violates this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than One Thousand Dollars

($1,000.00) or shall be imprisoned in the county jail not exceeding one (1) year, or both.

(2) Any violation of this article constitutes an unlawful trade practice under Section 75-24-5 and, in addition to any remedies or penalties set forth in this article, shall be subject to any remedies or penalties available for a violation of that statute.

(3) Any violation of this article constitutes a violation of the Mississippi Telephone Solicitation Act, Section 77-3-701 et seq., and in addition to any remedies or penalties provided in this article, shall be subject to any remedies or penalties available for a violation of that act.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2770

Description: Teachers' salaries; provide for $1,500.00 increase.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

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  1  01/21   (S) Referred To Education
  2  02/05   (S) Title Suff Do Pass
  3  02/13   (S) Amended
  4  02/13   (S) Passed As Amended {Vote}
  5  02/18   (S) Transmitted To House
  6  02/19   (H) Referred To Education; Appropriations
  7  03/04   (H) DR - TSDPAA: ED To AP
  8  03/05   (H) DR - TSDPAA: AP To ED
  9  03/05   (H) Title Suff Do Pass As Amended
 10  03/11   (H) Amended
 11  03/11   (H) Passed As Amended {Vote}
 12  03/11   (H) Motion to Reconsider Entered (Harness,
                 Sykes, Bennett, Roberson)
 13  03/12   (H) Motion to Reconsider Tabled
 14  03/13   (H) Returned For Concurrence
 15  03/19   (S) Decline to Concur/Invite Conf
 16  03/27   (S) Conferees Named Tollison,Clarke,Caughman
 17  03/27   (H) Conferees Named Bennett,Roberson,Read
 18  03/27   (S) Conference Report Filed
 19  03/27   (H) Conference Report Filed
 20  03/28   (S) Motion to Recommit Lost {Vote}
 21  03/28   (S) Conference Report Adopted {Vote}
 22  03/28   (H) Conference Report Adopted {Vote}
 23  04/03   (S) Enrolled Bill Signed
 24  04/03   (H) Enrolled Bill Signed
 25  04/04   Due From Governor 04/22/19
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Amendments:
[S] Amendment No 1Lost{Vote}

[S] Amendment No 2 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2770
Conference Reports:
| Conference Report

Code Section: A 037-0019-0007, A 037-0021-0007

----- Additional Information -----

Senate Committee: Education
House Committee: Education, Appropriations

Principal Author: Tollison
Additional Authors: Butler, McMahan, Whaley, Massey, Frazier, Witherspoon, Jackson (11th), Jordan, Jackson (32nd), Dearing, Barnett, Blackwell, Doty, McDaniel, Moran, Parker, Parks, Branning

Title: AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM TEACHER SALARY SCALE BY INCREASING THE MINIMUM SALARY BY $1,500.00; TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM ANNUAL SALARY FOR TEACHER ASSISTANTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2019

By: Senator(s) Tollison, Butler, McMahan, Whaley, Massey, Frazier, Witherspoon, Jackson (11th), Jordan, Jackson (32nd), Dearing, Barnett, Blackwell, Doty, McDaniel, Moran, Parker, Parks, Branning

To: Education

SENATE BILL NO. 2770
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM TEACHER SALARY SCALE BY INCREASING THE MINIMUM SALARY BY $1,500.00; TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM ANNUAL SALARY FOR TEACHER ASSISTANTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-19-7, Mississippi Code of 1972, is amended as follows:

37-19-7. (1) The allowance in the Mississippi Adequate Education Program for teachers' salaries in each county and separate school district shall be determined and paid in accordance with the scale for teachers' salaries as provided in this subsection. For teachers holding the following types of licenses or the equivalent as determined by the State Board of Education, and the following number of years of teaching experience, the scale shall be as follows:

* * *

2019-2020 MINIMUM SALARY SCHEDULE

Years

Exp.	AAAA	AAA	AA	A
0	40,608.00	39,444.00	38,280.00	35,890.00
1	40,608.00	39,444.00	38,280.00	35,890.00
2	40,608.00	39,444.00	38,280.00	35,890.00
3	41,402.00	40,171.00	38,940.00	36,385.00
4	42,196.00	40,898.00	39,600.00	36,880.00
5	42,990.00	41,625.00	40,260.00	37,375.00
6	43,784.00	42,352.00	40,920.00	37,870.00
7	44,578.00	43,079.00	41,580.00	38,365.00
8	45,372.00	43,806.00	42,240.00	38,860.00
9	46,166.00	44,533.00	42,900.00	39,355.00
10	46,960.00	45,260.00	43,560.00	39,850.00
11	47,754.00	45,987.00	44,220.00	40,345.00
12	48,548.00	46,714.00	44,880.00	40,840.00
13	49,342.00	47,441.00	45,540.00	41,335.00
14	50,136.00	48,168.00	46,200.00	41,830.00
15	50,930.00	48,895.00	46,860.00	42,325.00
16	51,724.00	49,622.00	47,520.00	42,820.00
17	52,518.00	50,349.00	48,180.00	43,315.00
18	53,312.00	51,076.00	48,840.00	43,810.00
19	54,106.00	51,803.00	49,500.00	44,305.00
20	54,900.00	52,530.00	50,160.00	44,800.00
21	55,694.00	53,257.00	50,820.00	45,295.00
22	56,488.00	53,984.00	51,480.00	45,790.00
23	57,282.00	54,711.00	52,140.00	46,285.00

24	58,076.00	55,438.00	52,800.00	46,780.00
25	60,930.00	58,225.00	55,520.00	49,335.00
26	61,724.00	58,952.00	56,180.00	49,830.00
27	62,518.00	59,679.00	56,840.00	50,325.00
28	63,312.00	60,406.00	57,500.00	50,820.00
29	64,106.00	61,133.00	58,160.00	51,315.00
30	64,900.00	61,860.00	58,820.00	51,810.00
31	65,694.00	62,587.00	59,480.00	52,305.00
32	66,488.00	63,314.00	60,140.00	52,800.00
33	67,282.00	64,041.00	60,800.00	53,295.00
34	68,076.00	64,768.00	61,460.00	53,790.00
35 & above	68,870.00	65,495.00	62,120.00	54,285.00

It is the intent of the Legislature that any state funds made available for salaries of licensed personnel in excess of the funds paid for such salaries for the 1986-1987 school year shall be paid to licensed personnel pursuant to a personnel appraisal and compensation system implemented by the State Board of Education. The State Board of Education shall have the authority to adopt and amend rules and regulations as are necessary to establish, administer and maintain the system.

All teachers employed on a full-time basis shall be paid a minimum salary in accordance with the above scale. However, no school district shall receive any funds under this section for any school year during which the local supplement paid to any individual teacher shall have been reduced to a sum less than that paid to that individual teacher for performing the same duties from local supplement during the immediately preceding school year. The amount actually spent for the purposes of group health and/or life insurance shall be considered as a part of the aggregate amount of local supplement but shall not be considered a part of the amount of individual local supplement.

The level of professional training of each teacher to be used in establishing the salary allotment for the teachers for each year shall be determined by the type of valid teacher's license issued to those teachers on or before October 1 of the current school year. Provided, however, that school districts are authorized, in their discretion, to negotiate the salary levels applicable to certificated employees who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided above in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(2) (a) The following employees shall receive an annual salary supplement in the amount of Six Thousand Dollars ($6,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

(i) Any licensed teacher who has met the requirements and acquired a Master Teacher certificate from the National Board for Professional Teaching Standards and who is employed by a local school board or the State Board of Education as a teacher and not as an administrator. Such teacher shall submit documentation to the State Department of Education that the certificate was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the teacher shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(ii) A licensed nurse who has met the requirements and acquired a certificate from the National Board for Certification of School Nurses, Inc., and who is employed by a local school board or the State Board of Education as a school nurse and not as an administrator. The licensed school nurse shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school nurse shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. Provided, however, that the total number of licensed school nurses eligible for a salary supplement under this subparagraph (ii) shall not exceed thirty-five (35).

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified

Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the Master Teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association and any certified academic language therapist (CALT) who has met the certification requirements of the Academic Language Therapy Association and who is employed by a local school board or is employed by a state agency under the State Personnel Board. The licensed speech-language pathologist and audiologist and certified academic language therapist shall submit documentation to the State Department of Education that the certificate or endorsement was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed speech-language pathologist and audiologist and certified academic language therapist shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, the total number of certified academic language therapists eligible for a salary supplement under this paragraph (iv) shall not exceed twenty (20).

(b) An employee shall be reimbursed for the actual cost of completing each component of acquiring the certificate or endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars ($500.00) for each component, not to exceed four (4) components, for a teacher, school counselor or speech-language pathologist and audiologist, regardless of whether or not the process resulted in the award of the certificate or endorsement. A local school district or any private individual or entity may pay the cost of completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the school district for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement. If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the local school district may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

(c) All salary supplements, fringe benefits and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the local school district and shall be in addition to its minimum education program allotments and not a part thereof in accordance with regulations promulgated by the State Board of Education. Local school districts shall not reduce the local supplement paid to any employee receiving such salary supplement, and the employee shall receive any local supplement to which employees with similar training and experience otherwise are entitled. However, an educational employee shall receive the salary supplement in the amount of Six Thousand Dollars ($6,000.00) for only one (1) of the qualifying certifications authorized under paragraph (a) of this subsection. No school district shall provide more than one (1) annual salary supplement under the provisions of this subsection to any one individual employee holding multiple qualifying national certifications.

(d) If an employee for whom such cost has been paid, in full or in part, by a local school district or private individual or entity fails to complete the certification or endorsement process, the employee shall be liable to the school district or individual or entity for all amounts paid by the school district or individual or entity on behalf of that employee toward his or her certificate or endorsement.

(3) The following employees shall receive an annual salary supplement in the amount of Four Thousand Dollars ($4,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

Effective July 1, 2016, if funds are available for that purpose, any licensed teacher who has met the requirements and acquired a Master Teacher Certificate from the National Board for Professional Teaching Standards and who is employed in a public school district located in one (1) of the following counties: Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena, Sunflower * * *, Washington, Holmes, Yazoo and Tallahatchie. The salary supplement awarded under the provisions of this subsection (3) shall be in addition to the salary supplement awarded under the provisions of subsection (2) of this section.

Teachers who meet the qualifications for a salary supplement under this subsection (3) who are assigned for less than one (1) full year or less than full time for the school year shall receive the salary supplement in a prorated manner, with the portion of the teacher's assignment to the critical geographic area to be determined as of June 15th of the school year.

(4) (a) This section shall be known and may be cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, only after full funding of MAEP and if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding certified teachers, administrators and nonlicensed personnel at individual schools showing improvement in student test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

(i) It is the express intent of this legislation that the MPBP plan shall utilize only existing standards of accreditation and assessment as established by the State Board of Education.

(ii) To ensure that all of Mississippi's teachers, administrators and nonlicensed personnel at all schools have equal access to the monies set aside in this section, the MPBP program shall be designed to calculate each school's performance as determined by the school's increase in scores from the prior school year. The MPBP program shall be based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way upon implementation. At the end of each year, after all student achievement scores have been standardized, the State Department of Education shall implement the MPBP plan.

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school district to be approved before the beginning of each school year beginning July 1, 2008. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

(b) The State Board of Education shall develop the processes and procedures for designating schools eligible to participate in the MPBP. State assessment results, growth in student achievement at individual schools and other measures deemed appropriate in designating successful student achievement shall be used in establishing MPBP criteria. The State Board of Education shall develop the MPBP policies and procedures and report to the Legislature and Governor by December 1, 2006.

(5) (a) Beginning in the 2008-2009 school year, if funds are available for that purpose, each school in Mississippi shall have mentor teachers, as defined by Sections 37-9-201 through 37-9-213, who shall receive additional base compensation provided for by the State Legislature in the amount of One Thousand Dollars ($1,000.00) per each beginning teacher that is being mentored. The additional state compensation shall be limited to those mentor

teachers that provide mentoring services to beginning teachers. For the purposes of such funding, a beginning teacher shall be defined as any teacher in any school in Mississippi that has less than one (1) year of classroom experience teaching in a public school. For the purposes of such funding, no full-time academic teacher shall mentor more than two (2) beginning teachers.

(b) To be eligible for this state funding, the individual school must have a classroom management program approved by the local school board.

(6) Effective with the 2014-2015 school year, the school districts participating in the Pilot Performance-Based Compensation System pursuant to Section 37-19-9 may award additional teacher and administrator pay based thereon.

SECTION 2. Section 37-21-7, Mississippi Code of 1972, is amended as follows:

37-21-7. (1) This section shall be referred to as the "Mississippi Elementary Schools Assistant Teacher Program," the purpose of which shall be to provide an early childhood education program that assists in the instruction of basic skills. The State Board of Education is authorized, empowered and directed to implement a statewide system of assistant teachers in kindergarten classes and in the first, second and third grades. The assistant teacher shall assist pupils in actual instruction under the strict supervision of a licensed teacher.

(2) (a) Except as otherwise authorized under subsection (7), each school district shall employ the total number of assistant teachers funded under subsection (6) of this section. The superintendent of each district shall assign the assistant teachers to the kindergarten, first-, second- and third-grade classes in the district in a manner that will promote the maximum efficiency, as determined by the superintendent, in the instruction of skills such as verbal and linguistic skills, logical and mathematical skills, and social skills.

(b) If a licensed teacher to whom an assistant teacher has been assigned is required to be absent from the classroom, the assistant teacher may assume responsibility for the classroom in lieu of a substitute teacher. However, no assistant teacher shall assume sole responsibility of the classroom for more than three (3) consecutive school days. Further, in no event shall any assistant teacher be assigned to serve as a substitute teacher for any teacher other than the licensed teacher to whom that assistant teacher has been assigned.

(3) Assistant teachers shall have, at a minimum, a high school diploma or a High School Equivalency Diploma equivalent, and shall show demonstratable proficiency in reading and writing skills. The State Department of Education shall develop a testing procedure for assistant teacher applicants to be used in all school districts in the state.

(4) (a) In order to receive funding, each school district shall:

(i) Submit a plan on the implementation of a reading improvement program to the State Department of Education; and

(ii) Develop a plan of educational accountability and assessment of performance, including pretests and posttests, for reading in Grades 1 through 6.

(b) Additionally, each school district shall:

(i) Provide annually a mandatory preservice orientation session, using an existing in-school service day, for administrators and teachers on the effective use of assistant teachers as part of a team in the classroom setting and on the role of assistant teachers, with emphasis on program goals;

(ii) Hold periodic workshops for administrators and teachers on the effective use and supervision of assistant teachers;

(iii) Provide training annually on specific instructional skills for assistant teachers;

(iv) Annually evaluate their program in accordance with their educational accountability and assessment of performance plan; and

(v) Designate the necessary personnel to supervise and report on their program.

(5) The State Department of Education shall:

(a) Develop and assist in the implementation of a statewide uniform training module, subject to the availability of funds specifically appropriated therefor by the Legislature, which shall be used in all school districts for training administrators, teachers and assistant teachers. The module shall provide for the consolidated training of each assistant teacher and teacher to whom the assistant teacher is assigned, working together as a team, and shall require further periodic training for administrators, teachers and assistant teachers regarding the role of assistant teachers;

(b) Annually evaluate the program on the district and state level. Subject to the availability of funds specifically appropriated therefor by the Legislature, the department shall develop: (i) uniform evaluation reports, to be performed by the principal or assistant principal, to collect data for the annual overall program evaluation conducted by the department; or (ii) a program evaluation model that, at a minimum, addresses process evaluation; and

(c) Promulgate rules, regulations and such other standards deemed necessary to effectuate the purposes of this section. Noncompliance with the provisions of this section and any rules, regulations or standards adopted by the department may result in a violation of compulsory accreditation standards as established by the State Board of Education and the Commission on School Accreditation.

(6) In addition to other funds allotted under the Minimum Education or Adequate Education Program, each school district shall be allotted sufficient funding for the purpose of employing assistant teachers. No assistant teacher shall be paid less than the amount he or she received in the prior school year. No school district shall receive any funds under this section for any school year during which the aggregate amount of the local contribution to the salaries of assistant teachers by the district shall have been reduced below such amount for the previous year.

For the * * * 2019-2020 school year and school years thereafter, the minimum annual salary for assistant teachers shall be * * * Fourteen Thousand Dollars ($14,000.00).

In addition, for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) in fiscal year 2006, as certified by the Legislative Budget Office to the State Board of Education and subject to the specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale in the appropriate year to provide an additional one percent (1%) across-the-board increase in the base salaries for assistant teachers. The State Board of Education shall revise the salaries prescribed above for assistant teachers to conform to any adjustments made in prior fiscal years due to revenue growth over and above five percent (5%). The assistant teachers shall not be restricted to working only in the grades for which the funds were allotted, but may be assigned to other classes as provided in subsection (2)(a) of this section.

(7) (a) As an alternative to employing assistant teachers, any school district may use the allotment provided under subsection (6) of this section for the purpose of employing licensed teachers for kindergarten, first-, second- and third-grade classes; however, no school district shall be authorized to use the allotment for assistant teachers for the purpose of employing licensed teachers unless the district has established that the employment of licensed teachers using such funds will reduce the teacher:student ratio in the kindergarten, first-, second- and third-grade classes. All state funds for assistant teachers shall be applied to reducing teacher:student ratio in Grades K-3.

It is the intent of the Legislature that no school district shall dismiss any assistant teacher for the purpose of using the assistant teacher allotment to employ licensed teachers. School districts may rely only upon normal attrition to reduce the number of assistant teachers employed in that district.

(b) Districts meeting the highest levels of accreditation standards, as defined by the State Board of Education, shall be exempted from the provisions of subsection (4) of this section.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2781

Description: Mississippi Fresh Start Act; create to require the revision of licensing restrictions based on criminal records.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Accountability, Efficiency, Transparency
2	01/31	(S)	Title Suff Do Pass Comm Sub
3	02/12	(S)	Committee Substitute Adopted
4	02/12	(S)	Amendment Failed
5	02/12	(S)	Passed {Vote}
6	02/13	(S)	Transmitted To House
7	02/21	(H)	Referred To Judiciary A
8	02/27	(H)	Title Suff Do Pass As Amended
9	03/12	(H)	Read the Third Time
10	03/13	(H)	Amended
11	03/13	(H)	Passed As Amended {Vote}
12	03/14	(H)	Returned For Concurrence
13	03/22	(S)	Decline to Concur/Invite Conf
14	03/22	(S)	Conferees Named Polk,Blackwell,Turner-Ford
15	03/25	(H)	Conferees Named Baker,Reynolds,Lamar
16	03/26	(S)	Conference Report Filed
17	03/26	(H)	Conference Report Filed
18	03/28	(H)	Conference Report Adopted {Vote}
19	03/28	(S)	Conference Report Failed {Vote}
20	03/28	(S)	Motion to Reconsider Entered
21	03/28	(S)	Recommitted For Further Conf
22	03/28	(S)	Conference Report Filed
23	03/28	(H)	Motion to Reconsider Entered (Baker, Tullos)
24	03/28	(H)	Reconsidered
25	03/28	(H)	Recommitted For Further Conf

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26  03/28   (H) Conference Report Filed
27  03/29   (H) Conference Report Adopted {Vote}
28  03/29   (S) Conference Report Adopted {Vote}
29  04/03   (S) Enrolled Bill Signed
30  04/03   (H) Enrolled Bill Signed
31  04/04   Due From Governor 04/22/19
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Amendments:

[S] Amendment No 1 (Cmte Sub)Lost Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2 to Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 3 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2781

Conference Reports:
Conference Report
Conference Report # 2

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency
House Committee: Judiciary A

Principal Author: Polk
Additional Authors: Barnett, Blount

Title: AN ACT TO CREATE THE "FRESH START ACT OF 2019"; TO PROVIDE THAT NO PERSON SHALL BE DISQUALIFIED FROM PURSUING, PRACTICING OR ENGAGING IN ANY OCCUPATION FOR WHICH A LICENSE IS REQUIRED SOLELY OR IN PART BECAUSE OF A PRIOR CONVICTION OF A CRIME, UNLESS THE CRIME FOR WHICH THE PERSON WAS CONVICTED DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES OF THE LICENSED OCCUPATION; TO PROHIBIT THE USE OF VAGUE TERMS SUCH AS "MORAL TURPITUDE," "GOOD CHARACTER" AND "ANY FELONY"; TO PROVIDE THAT WHEN PROMULGATING RULES AND REGULATIONS RELATED TO THE QUALIFICATIONS FOR LICENSURE, LICENSING AUTHORITIES SHALL ONLY CONSIDER CRIMINAL RECORDS THAT ARE SPECIFIC AND DIRECTLY RELATED TO THE DUTIES AND RESPONSIBILITIES OF THE LICENSED OCCUPATION; TO ESTABLISH A CLEAR AND CONVINCING STANDARD OF PROOF WHEN DETERMINING WHETHER A PERSON WILL BE DENIED A LICENSE; TO AUTHORIZE A PERSON WITH A CRIMINAL RECORD TO PETITION A LICENSING AUTHORITY AT ANY TIME FOR A DETERMINATION OF WHETHER THE PERSON'S CRIMINAL RECORD WILL DISQUALIFY THAT PERSON FROM OBTAINING A LICENSE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Polk, Barnett, Blount

To: Accountability, Efficiency, Transparency

SENATE BILL NO. 2781
(As Sent to Governor)

AN ACT TO CREATE THE "FRESH START ACT OF 2019"; TO PROVIDE THAT NO PERSON SHALL BE DISQUALIFIED FROM PURSUING, PRACTICING OR ENGAGING IN ANY OCCUPATION FOR WHICH A LICENSE IS REQUIRED SOLELY OR IN PART BECAUSE OF A PRIOR CONVICTION OF A CRIME, UNLESS THE CRIME FOR WHICH THE PERSON WAS CONVICTED DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES OF THE LICENSED OCCUPATION; TO PROHIBIT THE USE OF VAGUE TERMS SUCH AS "MORAL TURPITUDE," "GOOD CHARACTER" AND "ANY FELONY"; TO PROVIDE THAT WHEN PROMULGATING RULES AND REGULATIONS RELATED TO THE QUALIFICATIONS FOR LICENSURE, LICENSING AUTHORITIES SHALL ONLY CONSIDER CRIMINAL RECORDS THAT ARE SPECIFIC AND DIRECTLY RELATED TO THE DUTIES AND RESPONSIBILITIES OF THE LICENSED OCCUPATION; TO ESTABLISH A CLEAR AND CONVINCING STANDARD OF PROOF WHEN DETERMINING WHETHER A PERSON WILL BE DENIED A LICENSE; TO AUTHORIZE A PERSON WITH A CRIMINAL RECORD TO PETITION A LICENSING AUTHORITY AT ANY TIME FOR A DETERMINATION OF WHETHER THE PERSON'S CRIMINAL RECORD WILL DISQUALIFY THAT PERSON FROM OBTAINING A LICENSE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Fresh Start Act of 2019."

SECTION 2. As used in this act, the following words and phrases shall have the meanings as defined in this section unless the context clearly indicates otherwise:

(a) "Criminal record" shall mean any type of felony or misdemeanor conviction.

(b) "Licensing" shall mean any required training, education, or fee to work in a specific profession.

(c) "Licensing authority" shall mean an agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any profession.

SECTION 3. Absent applicable state law, no person shall be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime, unless the crime for which an applicant was convicted directly relates to the duties and responsibilities for the licensed occupation. The provisions of this section shall not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

SECTION 4. (1) Absent applicable state law, licensing authorities shall not have in any rulemaking for their qualifications for licensure vague or generic terms including, but not limited to, "moral turpitude," "any felony," and "good character." Absent applicable state law, licensing authorities may only consider criminal records that are specific and directly related to the duties and responsibilities for the licensed occupation when evaluating applicants.

(2) The licensing authority shall use the clear and convincing standard of proof in examining the factors to determine

whether an applicant with a disqualifying criminal conviction will be denied a license. Absent applicable state law, the licensing authority shall make its determination based on the following factors:

(a) The nature and seriousness of the crime for which the individual was convicted;

(b) The passage of time since the commission of the crime;

(c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; and

(d) Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation.

(3) All licensing authorities shall meet the requirements listed in subsection (1) by one hundred twenty (120) days after the enactment of this act.

(4) For licensing authorities, the requirements listed in subsections (1) and (2) also apply to any new occupational licenses created after July 1, 2019.

(5) The licensing authority shall adopt necessary rules for the implementation of this section.

(6) The provisions of this section shall not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

SECTION 5. (1) Absent applicable state law, an individual with a criminal record may petition a licensing authority at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include details on the individual's criminal record. The licensing authority shall inform the individual of his standing within thirty (30) days of receiving the petition from the applicant. The licensing authority may charge a fee to recoup its costs not to exceed Twenty-five Dollars ($25.00) for each petition.

(2) If a licensing authority denies an individual a license solely or in part because of the individual's prior conviction of a crime, the licensing authority shall notify the individual in writing of the following:

(a) The grounds and reasons for the denial or disqualification;

(b) That the individual has the right to a hearing to challenge the licensing authority's decision;

(c) The earliest date the person may reapply for a license; and

(d) That evidence of rehabilitation may be considered upon reapplication.

(3) If an applicant's criminal history does not require a denial of a license under applicable state law, any written determination by the licensing authority that an applicant's

criminal conviction is directly related to the duties and responsibilities for the licensed occupation must be documented in written findings for each of the preceding factors under subsection (2) by clear and convincing evidence sufficient for a reviewing court.

(4) In any administrative hearing or civil litigation authorized under this section, the licensing authority shall carry the burden of proof on the question of whether the applicant's criminal conviction directly relates to the occupation for which the license is sought.

(5) The licensing authority shall adopt necessary rules for the implementation of this section.

(6) The provisions of this section shall not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

SECTION 6. Notwithstanding any provision of law to the contrary, no licensing authority shall suspend or revoke the license it has issued to any person who is:

(a) In default or delinquent in the payment of their student loans solely on the basis of such default or delinquency; or

(b) In default or delinquent in the satisfaction of the requirements of their work-conditional scholarship solely on the basis of such default or delinquency.

SECTION 7. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2821

Description: Mississippi Telephone Solicitation Act; revise to include text messages and solicitations for charitable contributions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Energy; Accountability, Efficiency, Transparency
2	02/05	(S)	DR - TSDP: EN To AC
3	02/05	(S)	Title Suff Do Pass
4	02/07	(S)	Passed {Vote}
5	02/08	(S)	Transmitted To House
6	02/20	(H)	Referred To Public Utilities
7	02/28	(H)	Title Suff Do Pass As Amended
8	03/13	(H)	Amended
9	03/13	(H)	Passed As Amended {Vote}
10	03/13	(H)	Motion to Reconsider Entered (Lamar, Beckett, Steverson)
11	03/14	(H)	Motion to Reconsider Tabled
12	03/14	(H)	Returned For Concurrence
13	03/20	(S)	Decline to Concur/Invite Conf
14	03/22	(S)	Conferees Named Doty,Harkins,Polk
15	03/25	(H)	Conferees Named Beckett,Bounds,Steverson
16	03/26	(S)	Conference Report Filed
17	03/26	(H)	Conference Report Filed
18	03/28	(S)	Conference Report Adopted {Vote}
19	03/28	(H)	Conference Report Adopted {Vote}
20	04/03	(S)	Enrolled Bill Signed
21	04/03	(H)	Enrolled Bill Signed
22	04/04		Due From Governor 04/22/19

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2821

Conference Reports:
| Conference Report

Code Section: A077-0003-0705, A077-0003-0711, A077-0003-0725, RP077-0003-0737

----- Additional Information -----

Senate Committee: Energy, Accountability, Efficiency, Transparency
House Committee: Public Utilities

Principal Author: Doty
Additional Authors: Jackson (11th), Hill, Branning, Moran, Younger

Title: AN ACT TO AMEND SECTION 77-3-705, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS AS USED IN THE MISSISSIPPI TELEPHONE SOLICITATION ACT; TO EXPAND THE DEFINITION OF "TELEPHONE SOLICITATION" TO INCLUDE TEXT MESSAGE COMMUNICATIONS, SOLICITATIONS OF A CHARITABLE CONTRIBUTION, AND SOLICITATIONS OF ITEMS OF VALUE REGARDLESS OF WHETHER A SALES PRESENTATION IS MADE; TO AMEND SECTION 77-3-711, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 77-3-725, MISSISSIPPI CODE OF 1972, TO INCREASE THE CIVIL PENALTIES FOR VIOLATIONS OF THE ACT; TO AMEND SECTION 77-3-737, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPEALER ON THE MISSISSIPPI TELEPHONE SOLICITATION ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Doty, Jackson (11th), Hill, Branning, Moran, Younger

To: Energy; Accountability, Efficiency, Transparency

SENATE BILL NO. 2821
(As Sent to Governor)

AN ACT TO AMEND SECTION 77-3-705, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS AS USED IN THE MISSISSIPPI TELEPHONE SOLICITATION ACT; TO EXPAND THE DEFINITION OF "TELEPHONE SOLICITATION" TO INCLUDE TEXT MESSAGE COMMUNICATIONS, SOLICITATIONS OF A CHARITABLE CONTRIBUTION, AND SOLICITATIONS OF ITEMS OF VALUE REGARDLESS OF WHETHER A SALES PRESENTATION IS MADE; TO AMEND SECTION 77-3-711, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 77-3-725, MISSISSIPPI CODE OF 1972, TO INCREASE THE CIVIL PENALTIES FOR VIOLATIONS OF THE ACT; TO AMEND SECTION 77-3-737, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPEALER ON THE MISSISSIPPI TELEPHONE SOLICITATION ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 77-3-705, Mississippi Code of 1972, is amended as follows:

77-3-705. For the purposes of this article, the following words and terms shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Consumer" means * * * a person or business that receives a telephone call or text message from a telephone solicitor.

(b) "Caller identification service" means a type of telephone service which permits a telephone subscriber to view the telephone number and name of the person or entity making an incoming telephone call or text message.

(c) "Telephone solicitor" means any person, firm, entity, organization, partnership, association, corporation, charitable entity, or a subsidiary or affiliate thereof, who engages in any type of telephone solicitation on his or her own behalf or through representatives, independent contractors, salespersons, agents, automated dialing systems, text messaging systems, or any other machines or other individuals or systems.

(d) "Telephone solicitation" means any voice or text message communication over the telephone line or cellular network of a consumer for the purpose of:

(i) Encouraging the purchase or rental of, or investment in, property; * * *

(ii) Soliciting a sale of any consumer goods or services, or an extension of credit for consumer goods or services * * *;

(iii) Soliciting any other item of value, pecuniary or otherwise, regardless of whether a sales presentation is made; or

(iv) Soliciting a charitable contribution of money or property.

(e) "Commission" means the Mississippi Public Service Commission.

(f) "Doing business in this state" refers to businesses which conduct telephone solicitations from any location to consumers located in this state.

(g) "Consumer goods or services" means any real property or any tangible or intangible personal property which is normally used for personal, family or household purposes, including, without limitation, any property intended to be attached to, or installed in, any real property, and any services related to the property.

(h) "Established business relationship" means a prior or existing relationship formed by a voluntary two-way communication between a person or entity and a consumer, with or without an exchange of consideration, on the basis of an inquiry, application, purchase or transaction by the consumer, which relationship is currently existing or was terminated within six (6) months of the telephone solicitation; however, the act of purchasing consumer goods or services under an extension of credit does not create an existing business relationship between the consumer and the entity extending credit to the consumer for such purchase. The term does not include the situation wherein the consumer has merely been subject to a telephone solicitation by or at the behest of the telephone solicitor within the six (6) months immediately preceding the contemplated telephone solicitation.

(i) "Charitable organization" means any person or entity holding itself out to be established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental or conservation, civic or other eleemosynary purpose or for the benefit of law enforcement personnel, firefighters, or any other persons who protect the public safety, or for any other purpose where a charitable appeal is the basis of the solicitation.

(j) "Sales presentation" means attempting to obtain something of value, pecuniary or otherwise, regardless of whether consideration is or is expected to be exchanged.

SECTION 2. Section 77-3-711, Mississippi Code of 1972, is amended as follows:

77-3-711. The provisions of this article shall not apply to:

(a) A person soliciting:

(i) Who does not make the major sales presentation during the telephone solicitation;

(ii) Without the intent to complete or obtain provisional acceptance of a sale, a charitable contribution, or the payment of some other item of value, pecuniary or otherwise, during the telephone solicitation; or

(iii) Without the intent to complete, and who does not complete, the sales presentation during the telephone solicitation, but who completes the sales presentation at a later face-to-face meeting between the person soliciting and the prospective purchaser or consumer.

(b) A person who is a licensee under Chapter 35, Title 73, Mississippi Code of 1972, who is a resident of the State of Mississippi, and whose telephone solicitation is for the sole purpose of selling, exchanging, purchasing, renting, listing for sale or rent or leasing real estate in connection with his real estate license and not in conjunction with any other offer.

(c) A motor vehicle dealer as that term is defined in Section 63-17-55, who is a resident of the State of Mississippi and who maintains a current motor vehicle dealer's license issued by the Mississippi Motor Vehicle Commission, whose telephone solicitation is for the sole purpose of selling, offering to sell, soliciting or advertising the sale of motor vehicles in connection with his motor vehicle dealer's license and not in conjunction with any other offer.

(d) An agent as that term is defined in Section 83-17-1 whose telephone solicitation is for the sole purpose of soliciting, consulting, advising, or adjusting in the business of insurance.

(e) A broker-dealer, agent, or investment advisor registered under Chapter 71, Title 75, Mississippi Code of 1972, whose telephone solicitation is for the sole purpose of effecting or attempting to effect the purchase or sale of securities or has the purpose of providing or seeking to provide investment or financial advice.

(f) A person calling on behalf of a charitable organization which is registered under Chapter 11, Title 79, Mississippi Code of 1972, whose telephone solicitation is for the sole purpose of soliciting for the charitable organization and who receives no compensation for his activities on behalf of the organization.

(g) A person calling on behalf of a newspaper of general circulation, whose telephone solicitation is for the sole purpose of soliciting a subscription to the newspaper from, or soliciting the purchase of advertising by, the consumer.

(h) A person calling on behalf of any supervised financial institution or parent, subsidiary or affiliate thereof. As used in this section, "supervised financial institution" means any commercial bank, trust company, savings and loan association, mutual savings bank, credit union, industrial loan company, small loan company, consumer finance lender, commercial finance lender or insurer, provided that the institution has a physical office located in the State of Mississippi and is subject to supervision by an official or agency of the State of Mississippi or of the United States.

(i) A person calling on behalf of a funeral establishment licensed under Section 73-11-41, cemetery or monument dealer, if the sole purpose of the telephone solicitation relates to services provided by the funeral or death related establishments in the course of its ordinary business.

(j) Any telephone solicitor who solicits a consumer with whom he has an established business relationship.

SECTION 3. Section 77-3-725, Mississippi Code of 1972, is amended as follows:

77-3-725. The commission may investigate alleged violations and initiate proceedings relative to a violation of this article or any rules and regulations promulgated pursuant to this article. Such proceedings include, without limitation, proceedings to issue a cease and desist order, and to issue an order imposing a civil penalty not to exceed * * * Ten Thousand Dollars ($10,000.00) for each violation. The commission shall afford an opportunity for a fair hearing to the alleged violator(s) after giving written notice of the time and place for said hearing. Failure to appear at any such hearing may result in the commission finding the alleged violator(s) liable by default. Any telephone solicitor found to have violated this article, pursuant to a hearing or by default, may be subject to a civil penalty not to exceed * * * Ten Thousand Dollars ($10,000.00) for each violation to be assessed and collected by the commission. Each telephonic communication shall constitute a separate violation.

All penalties collected by the commission shall be deposited in the special fund created under Section 77-3-721 for the administration of this article.

The commission may issue subpoenas, require the production of relevant documents, administer oaths, conduct hearings, and do all things necessary in the course of investigating, determining and adjudicating an alleged violation.

The remedies, duties, prohibitions and penalties set forth under this article shall not be exclusive and shall be in addition to all other causes of action, remedies and penalties provided by law, including, but not limited to, the penalties provided by Section 77-1-53.

SECTION 4. Section 77-3-737, Mississippi Code of 1972, which provides for a repeal date on Sections 77-3-701 through 77-3-737, also known as the Mississippi Telephone Solicitation Act, is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2827

Description: County Elected Officials Compensation and Fees Task Force; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: ** See Text

History of Actions:

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 1  01/21   (S) Referred To Appropriations
 2  02/05   (S) Title Suff Do Pass Comm Sub
 3  02/06   (S) Committee Substitute Adopted
 4  02/06   (S) Passed {Vote}
 5  02/07   (S) Transmitted To House
 6  02/20   (H) Referred To Appropriations
 7  03/05   (H) Title Suff Do Pass As Amended
 8  03/06   (H) Amended
 9  03/06   (H) Passed As Amended {Vote}
10  03/07   (H) Returned For Concurrence
11  03/20   (S) Decline to Concur/Invite Conf
12  03/22   (S) Conferees Named Clarke,Tollison,Polk
13  03/22   (H) Conferees Named Read,Barton,Sullivan
14  03/27   (H) Conference Report Filed
15  03/27   (S) Conference Report Filed
16  03/28   (S) Recommitted For Further Conf
17  03/28   (H) Recommitted For Further Conf
18  03/28   (S) Conference Report Filed
19  03/28   (H) Conference Report Filed
20  03/29   (H) Conference Report Adopted {Vote}
21  03/29   (S) Conference Report Adopted {Vote}
22  04/02   (S) Enrolled Bill Signed
23  04/02   (H) Enrolled Bill Signed
24  04/02   Due From Governor 04/19/19
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Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2827

Conference Reports:

Conference Report
| Conference Report # 2

Code Section: A 009-0001-0043, A 023-0015-0225, A 025-0003-0003, A 025-0003-0013, A 025-0007-0009, A 025-0007-0013, A 025-0007-0019, A 025-0007-0027, A 041-0061-0059, A 041-0061-0075

----- Additional Information -----

Senate Committee: Appropriations
House Committee: Appropriations

Principal Author: Burton
Additional Authors: Moran, Simmons (13th), Younger, Carter, Jackson (32nd)

Title: AN ACT TO AMEND SECTION 9-1-43, MISSISSIPPI CODE OF 1972, TO INCREASE THE LIMIT ON COMPENSATION OF CHANCERY CLERKS AND CIRCUIT CLERKS; TO AMEND SECTION 23-15-225, MISSISSIPPI CODE OF 1972, TO INCREASE THE COMPENSATION OF COUNTY REGISTRARS OF ELECTION; TO AMEND SECTION 25-3-3, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF COUNTY TAX ASSESSORS AND COLLECTORS; TO AMEND SECTION 25-3-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF COUNTY SUPERVISORS; TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO INCREASE CERTAIN FILING FEES CHARGED BY CHANCERY CLERKS FOR THE RECORDING OF DOCUMENTS; TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEE PAID TO THE CIRCUIT CLERK FOR EACH DAY'S ATTENDANCE UPON THE CIRCUIT COURT TERM; TO AMEND SECTION 25-7-19, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEES CHARGED BY SHERIFFS; TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEES CHARGED BY MARSHALS AND CONSTABLES; TO AMEND SECTION 41-61-59, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF THE COUNTY MEDICAL EXAMINERS, DEPUTY MEDICAL EXAMINERS AND DEPUTY MEDICAL EXAMINER INVESTIGATORS; TO AMEND SECTION 41-61-75, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEES PAID BY THE COUNTY TO A MEDICAL EXAMINER OR HIS DEPUTY FOR FILING CERTAIN INVESTIGATION REPORTS, AND TO EXTEND THE DATE OF REPEAL THEREON; TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO PAY A MONTHLY OFFICE ALLOWANCE TO THE ATTORNEY EMPLOYED BY THE BOARD; TO CREATE A COUNTY ELECTED OFFICIALS COMPENSATION AND FEES TASK FORCE TO STUDY THE STRUCTURE, AMOUNTS AND SOURCES OF THE COMPENSATION RECEIVED BY, AND THE FEES CHARGED AND COLLECTED BY, THE ELECTED OFFICIALS OF THE COUNTIES, AND TO MAKE RECOMMENDATIONS TO ADDRESS THE COMPENSATION RECEIVED BY, AND THE FEES CHARGED AND COLLECTED BY, ELECTED COUNTY OFFICIALS ON A LONG-TERM BASIS; TO DIRECT THE TASK FORCE TO MAKE A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE LEGISLATURE BY DECEMBER 1, 2019; TO PROVIDE FOR THE MEMBERS OF THE TASK FORCE; TO PROVIDE FOR THE ORGANIZATION OF THE TASK FORCE; TO AUTHORIZE THE PAYMENT

OF PER DIEM AND EXPENSES FOR ATTENDING MEETINGS OF THE TASK FORCE; TO PROVIDE THAT IF THE TOTAL AMOUNT OF ALL FEES RECEIVED BY THE OFFICE OF THE CHANCERY CLERK OR BY THE OFFICE OF THE CIRCUIT CLERK IN ANY YEAR ARE INSUFFICIENT TO PAY THE EXPENSES OF THE OFFICE FOR THAT YEAR, THE CLERK SHALL NOTIFY THE BOARD OF SUPERVISORS; TO PROVIDE THAT IF THE BOARD MAKES A FINDING AND ENTERS ON ITS MINUTES THE FINDING THAT THE FEES RECEIVED BY THE OFFICE OF THE CLERK ARE INSUFFICIENT TO PAY THE EXPENSES OF THE OFFICE FOR THAT YEAR, THEN THE BOARD OF SUPERVISORS MAY APPROPRIATE FUNDS OF THE COUNTY TO THE OFFICE OF THE CLERK AS NECESSARY TO SUPPLEMENT THE PAYMENT OF THE EXPENSES OF THE OFFICE OF THE CLERK; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Burton, Moran, Simmons (13th), Younger, Carter, Jackson (32nd)

To: Appropriations

SENATE BILL NO. 2827
(As Sent to Governor)

AN ACT TO AMEND SECTION 9-1-43, MISSISSIPPI CODE OF 1972, TO INCREASE THE LIMIT ON COMPENSATION OF CHANCERY CLERKS AND CIRCUIT CLERKS; TO AMEND SECTION 23-15-225, MISSISSIPPI CODE OF 1972, TO INCREASE THE COMPENSATION OF COUNTY REGISTRARS OF ELECTION; TO AMEND SECTION 25-3-3, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF COUNTY TAX ASSESSORS AND COLLECTORS; TO AMEND SECTION 25-3-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF COUNTY SUPERVISORS; TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO INCREASE CERTAIN FILING FEES CHARGED BY CHANCERY CLERKS FOR THE RECORDING OF DOCUMENTS; TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEE PAID TO THE CIRCUIT CLERK FOR EACH DAY'S ATTENDANCE UPON THE CIRCUIT COURT TERM; TO AMEND SECTION 25-7-19, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEES CHARGED BY SHERIFFS; TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEES CHARGED BY MARSHALS AND CONSTABLES; TO AMEND SECTION 41-61-59, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF THE COUNTY MEDICAL EXAMINERS, DEPUTY MEDICAL EXAMINERS AND DEPUTY MEDICAL EXAMINER INVESTIGATORS; TO AMEND SECTION 41-61-75, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEES PAID BY THE COUNTY TO A MEDICAL EXAMINER OR HIS DEPUTY FOR FILING CERTAIN INVESTIGATION REPORTS, AND TO EXTEND THE DATE OF REPEAL THEREON; TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO PAY A MONTHLY OFFICE ALLOWANCE TO THE ATTORNEY EMPLOYED BY THE BOARD; TO CREATE A COUNTY ELECTED OFFICIALS COMPENSATION AND FEES TASK FORCE TO STUDY THE STRUCTURE, AMOUNTS AND SOURCES OF THE COMPENSATION RECEIVED BY, AND THE FEES CHARGED AND COLLECTED BY, THE ELECTED OFFICIALS OF THE COUNTIES, AND TO MAKE RECOMMENDATIONS TO ADDRESS THE COMPENSATION RECEIVED BY, AND THE FEES CHARGED AND COLLECTED BY, ELECTED COUNTY OFFICIALS ON A LONG-TERM BASIS; TO DIRECT THE TASK FORCE TO MAKE A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE LEGISLATURE BY DECEMBER 1, 2019; TO PROVIDE FOR THE MEMBERS OF THE TASK FORCE; TO PROVIDE FOR THE ORGANIZATION OF THE TASK FORCE; TO AUTHORIZE THE PAYMENT OF PER DIEM AND EXPENSES FOR ATTENDING MEETINGS OF THE TASK FORCE; TO

PROVIDE THAT IF THE TOTAL AMOUNT OF ALL FEES RECEIVED BY THE OFFICE OF THE CHANCERY CLERK OR BY THE OFFICE OF THE CIRCUIT CLERK IN ANY YEAR ARE INSUFFICIENT TO PAY THE EXPENSES OF THE OFFICE FOR THAT YEAR, THE CLERK SHALL NOTIFY THE BOARD OF SUPERVISORS; TO PROVIDE THAT IF THE BOARD MAKES A FINDING AND ENTERS ON ITS MINUTES THE FINDING THAT THE FEES RECEIVED BY THE OFFICE OF THE CLERK ARE INSUFFICIENT TO PAY THE EXPENSES OF THE OFFICE FOR THAT YEAR, THEN THE BOARD OF SUPERVISORS MAY APPROPRIATE FUNDS OF THE COUNTY TO THE OFFICE OF THE CLERK AS NECESSARY TO SUPPLEMENT THE PAYMENT OF THE EXPENSES OF THE OFFICE OF THE CLERK; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 9-1-43, Mississippi Code of 1972, is amended as follows:

9-1-43. (1) After making deductions for employer contributions paid by the chancery or circuit clerk to the Public Employees' Retirement System under Sections 25-11-106.1 and 25-11-123(f)(4), employee salaries and related salary expenses, and expenses allowed as deductions by Schedule C of the Internal Revenue Code, no office of the chancery clerk or circuit clerk of any county in the state shall receive fees as compensation for the chancery clerk's or circuit clerk's services in excess of * * * Ninety-four Thousand Five Hundred Dollars ($94,500.00). All such fees received by the office of chancery or circuit clerks that are in excess of the salary limitation shall be deposited by such clerk into the county general fund on or before April 15 for the preceding calendar year. If the chancery clerk or circuit clerk serves less than one (1) year, then he shall not receive as compensation any fees in excess of that portion of the salary limitation that can be attributed to his time in office on a pro rata basis. Upon leaving office, income earned by any clerk in his last full year of office but not received until after his last full year of office shall not be included in determining the salary limitation of the successor clerk. There shall be exempted from the provisions of this subsection any monies or commissions from private or governmental sources which: (a) are to be held by the chancery or circuit clerk in a trust or custodial capacity as prescribed in subsections (4) and (5); or (b) are received as compensation for services performed upon order of a court or board of supervisors which are not required of the chancery clerk or circuit clerk by statute.

(2) It shall be unlawful for any chancery clerk or circuit clerk to use fees in excess of * * * Ninety-four Thousand Five Hundred Dollars ($94,500.00), to pay the salaries or actual or necessary expenses of employees who are related to such clerk by blood or marriage within the first degree of kinship according to the civil law method of computing kinship as provided in Sections 1-3-71 and 1-3-73. However, the prohibition of this subsection shall not apply to any individual who was an employee of the clerk's office prior to the date his or her relative was elected as chancery or circuit clerk. The spouse and/or any children of the chancery clerk or circuit clerk employed in the office of the chancery clerk may be paid a salary; however, the combined annual salaries of the clerk, spouse and any child of the clerk may not exceed an amount equal to the salary limitation.

(3) The chancery clerk and the circuit clerk shall be liable on their official bond for the proper deposit and accounting of all monies received by his office. The State Auditor shall promulgate uniform accounting methods for the accounting of all sources of income by the offices of the chancery and circuit clerk.

(4) There is created in the county depository of each county a clearing account to be designated as the "chancery court clerk clearing account," into which shall be deposited: (a) all such monies as the clerk of the chancery court shall receive from any person complying with any writ of garnishment, attachment, execution or other like process authorized by law for the enforcement of child support, spousal support or any other judgment; (b) any portion of any fees required by law to be collected in civil cases which are to pay for the service of process or writs in another county; and (c) any other money as shall be deposited with the court which by its nature is not, at the time of its deposit, public monies, but which is to be held by the court in a trust or custodial capacity in a case or proceeding before the court. The clerk of the chancery court shall account for all monies deposited in and disbursed from such account and shall be authorized and empowered to draw and issue checks on such account at such times, in such amounts and to such persons as shall be proper and in accordance with law.

The following monies paid to the chancery clerk shall be subject to the salary limitation prescribed under subsection (1): (a) all fees required by law to be collected for the filing, recording or abstracting of any bill, petition, pleading or decree in any civil case in chancery; (b) all fees collected for land recordings, charters, notary bonds, certification of decrees and copies of any documents; (c) all land redemption and mineral documentary stamp commissions; and (d) any other monies or commissions from private or governmental sources for statutory functions which are not to be held by the court in a trust capacity. Such fees as shall exceed the salary limitations shall be maintained in a bank account in the county depository and accounted for separately from those monies paid into the chancery court clerk clearing account.

(5) There is created in the county depository in each county a clearing account to be designated as the "circuit court clerk civil clearing account," into which shall be deposited: (a) all such monies and fees as the clerk of the circuit court shall receive from any person complying with any writ of garnishment, attachment, execution or any other like process authorized by law for the enforcement of a judgment; (b) any portion of any fees required by law or court order to be collected in civil cases; (c) all fees collected for the issuance of marriage licenses; and (d) any other money as shall be deposited with the court which by its nature is not, at the time of its deposit, public monies but

which is to be held by the court in a trust or custodial capacity in a case or proceeding before the court.

There is created in the county depository in each county a clearing account to be designated as the "circuit court clerk criminal clearing account," into which shall be deposited: (a) all such monies as are received in criminal cases in the circuit court pursuant to any order requiring payment as restitution to the victims of criminal offenses; (b) any portion of any fees and fines required by law or court order to be collected in criminal cases; and (c) all cash bonds as shall be deposited with the court. The clerk of the circuit court shall account for all monies deposited in and disbursed from such account and shall be authorized and empowered to draw and issue checks on such account, at such times, in such amounts and to such persons as shall be proper and in accordance with law; however, such monies as are forfeited in criminal cases shall be paid by the clerk of the circuit court to the clerk of the board of supervisors for deposit in the general fund of the county.

The following monies paid to the circuit clerk shall be subject to the salary limitation prescribed under subsection (1): (a) all fees required by law to be collected for the filing, recording or abstracting of any bill, petition, pleading or decree in any civil action in circuit court; (b) copies of any documents; and (c) any other monies or commissions from private or governmental sources for statutory functions which are not to be held by the court in a trust capacity.

(6) The chancery clerk and the circuit clerk shall establish and maintain a cash journal for recording cash receipts from private or government sources for furnishing copies of any papers of record or on file, or for rendering services as a notary public, or other fees wherein the total fee for the transaction is Ten Dollars ($10.00) or less. The cash journal entry shall include the date, amount and type of transaction, and the clerk shall not be required to issue a receipt to the person receiving such services. The State Auditor shall not take exception to the furnishing of copies or the rendering of services as a notary by any clerk free of charge.

In any county having two (2) judicial districts, whenever the chancery clerk serves as deputy to the circuit clerk in one (1) judicial district and the circuit clerk serves as deputy to the chancery clerk in the other judicial district, the chancery clerk may maintain a cash journal, separate from the cash journal maintained for chancery clerk receipts, for recording the cash receipts paid to him as deputy circuit clerk, and the circuit clerk may maintain a cash journal, separate from the cash journal maintained for circuit clerk receipts, for recording the cash receipts paid to him as deputy chancery clerk. The cash receipts collected by the chancery clerk in his capacity as deputy circuit clerk and the cash receipts collected by the circuit clerk in his capacity as deputy chancery clerk shall be subject to the salary limitation prescribed under subsection (1).

(7) Any clerk who knowingly shall fail to deposit funds or otherwise violate the provisions of this section shall be guilty of a misdemeanor in office and, upon conviction thereof, shall be fined in an amount not to exceed double the amount that he failed to deposit, or imprisoned for not to exceed six (6) months in the county jail, or be punished by both such fine and imprisonment.

SECTION 2. Section 23-15-225, Mississippi Code of 1972, is amended as follows:

23-15-225. (1) The registrar shall be entitled to such compensation, payable monthly out of the county treasury, which the board of supervisors of the county shall allow on an annual basis in the following amounts:

(a) For counties with a total population of more than two hundred thousand (200,000), an amount not to exceed * * * Thirty-one Thousand Three Hundred Ninety-five Dollars ($31,395.00), but not less than * * * Nine Thousand Six Hundred Sixty Dollars ($9,660.00).

(b) For counties with a total population of more than one hundred thousand (100,000) and not more than two hundred thousand (200,000), an amount not to exceed * * * Twenty-six Thousand Five Hundred Sixty-five Dollars ($26,565.00), but not less than * * * Nine Thousand Six Hundred Sixty Dollars ($9,660.00).

(c) For counties with a total population of more than fifty thousand (50,000) and not more than one hundred thousand (100,000), an amount not to exceed * * * Twenty-four Thousand One Hundred Fifty Dollars ($24,150.00), but not less than * * * Nine Thousand Six Hundred Sixty Dollars ($9,660.00).

(d) For counties with a total population of more than thirty-five thousand (35,000) and not more than fifty thousand (50,000), an amount not to exceed * * * Twenty-one Thousand Seven Hundred Thirty-five Dollars ($21,735.00), but not less than * * * Nine Thousand Six Hundred Sixty Dollars ($9,660.00).

(e) For counties with a total population of more than twenty-five thousand (25,000) and not more than thirty-five thousand (35,000), an amount not to exceed * * * Nineteen Thousand Three Hundred Twenty Dollars ($19,320.00), but not less than * * * Nine Thousand Six Hundred Sixty Dollars ($9,660.00).

(f) For counties with a total population of more than fifteen thousand (15,000) and not more than twenty-five thousand (25,000), an amount not to exceed * * * Sixteen Thousand Nine Hundred Five Dollars ($16,905.00), but not less than * * * Nine Thousand Six Hundred Sixty Dollars ($9,660.00).

(g) For counties with a total population of more than ten thousand (10,000) and not more than fifteen thousand (15,000), an amount not to exceed * * * Fourteen Thousand Four Hundred Ninety Dollars ($14,490.00), but not less than * * * Eight

Thousand Four Hundred Fifty-two Dollars and Fifty Cents ($8,452.50).

(h) For counties with a total population of more than six thousand (6,000) and not more than ten thousand (10,000), an amount not to exceed * * * Twelve Thousand Seventy-five Dollars ($12,075.00), but not less than * * * Eight Thousand Four Hundred Fifty-two Dollars and Fifty Cents ($8,452.50).

(i) For counties with a total population of not more than six thousand (6,000), an amount not to exceed * * * Nine Thousand Six Hundred Sixty Dollars ($9,660.00) but not less than * * * Six Thousand Six Hundred Forty-one Dollars and Twenty-five Cents ($6,641.25).

(j) For counties having two (2) judicial districts, the board of supervisors of the county may allow, in addition to the sums prescribed herein, in its discretion, an amount not to exceed Eleven Thousand Five Hundred Dollars ($11,500.00).

(2) In the event of a reregistration within such county, or a redistricting that necessitates the hiring of additional deputy registrars, the board of supervisors, in its discretion, may by contract compensate the county registrar amounts in addition to the sums prescribed herein.

(3) As compensation for their services in assisting the county election commissioners in performance of their duties in the revision of the voter roll as electronically maintained by the Statewide Elections Management System and in assisting the

election commissioners, executive committees or boards of supervisors in connection with any election, the registrar shall receive the same daily per diem and limitation on meeting days as provided for the board of election commissioners as set out in Sections 23-15-153 and 23-15-227 to be paid from the general fund of the county.

(4) In any case where an amount has been allowed by the board of supervisors pursuant to this section, such amount shall not be reduced or terminated during the term for which the registrar was elected.

(5) The circuit clerk shall, in addition to any other compensation provided for by law, be entitled to receive as compensation from the board of supervisors the amount of Two Thousand Five Hundred Dollars ($2,500.00) per year. This payment shall be for the performance of his or her duties in regard to the conduct of elections and the performance of his or her other duties.

(6) The municipal clerk shall, in addition to any other compensation for performance of duties, be eligible to receive as compensation from the municipality's governing authorities a reasonable amount of additional compensation for reimbursement of costs and for additional duties associated with mail-in registration of voters.

(7) The board of supervisors shall not allow any additional compensation authorized under this section for services as county

registrar to any circuit clerk who is receiving fees as compensation for his or her services equal to the limitation on compensation prescribed in Section 9-1-43.

SECTION 3. Section 25-3-3, Mississippi Code of 1972, is amended as follows:

25-3-3. (1) The term "total assessed valuation" as used in this section only refers to the ad valorem assessment for the county and, in addition, in counties where oil or gas is produced, the actual value of oil at the point of production, as certified to the counties by the * * * Department of Revenue under the provisions of Sections 27-25-501 through 27-25-525, and the actual value of gas as certified by the * * * Department of Revenue under the provisions of Sections 27-25-701 through 27-25-723.

(2) The salary of assessors and collectors of the various counties is fixed as full compensation for their services as county assessors or tax collectors, or both if the office of assessor has been combined with the office of tax collector. The annual salary of each assessor or tax collector, or both if the offices have been combined, shall be based upon the total assessed valuation of his respective county for the preceding taxable year in the following categories and for the following amounts:

(a) For counties having a total assessed valuation of Three Billion Dollars ($3,000,000,000.00) or more, a salary of Seventy Thousand Five Hundred Sixty Dollars ($70,560.00);

(* * *b) For counties having a total assessed valuation of at least Two Billion Dollars ($2,000,000,000.00) * * * but less than Three Billion Dollars ($3,000,000,000.00), a salary of * * * Sixty-seven Thousand Two Hundred Dollars ($67,200.00);

(* * *c) For counties having a total assessed valuation of at least One Billion Dollars ($1,000,000,000.00) but less than Two Billion Dollars ($2,000,000,000.00), a salary of * * * Sixty-four Thousand Five Hundred Seventy-five Dollars ($64,575.00);

(* * *d) For counties having a total assessed valuation of at least Five Hundred Million Dollars ($500,000,000.00) but less than One Billion Dollars ($1,000,000,000.00), a salary of * * * Sixty-one Thousand Four Hundred Twenty-five Dollars ($61,425.00);

(* * *e) For counties having a total assessed valuation of at least Two Hundred Fifty Million Dollars ($250,000,000.00) but less than Five Hundred Million Dollars ($500,000,000.00), a salary of * * * Fifty-eight Thousand Eight Hundred Dollars ($58,800.00);

(* * *f) For counties having a total assessed valuation of at least One Hundred Fifty Million Dollars ($150,000,000.00) but less than Two Hundred Fifty Million Dollars ($250,000,000.00), a salary of * * * Fifty-six Thousand Seven Hundred Dollars ($56,700.00);

(* * *g) For counties having a total assessed valuation of at least Seventy-five Million Dollars ($75,000,000.00) but less than One Hundred Fifty Million Dollars ($150,000,000.00), a salary of * * * Fifty-five Thousand One Hundred Twenty-five Dollars ($55,125.00);

* * *

(h) For counties having a total assessed valuation of less than * * * Seventy-five Million Dollars ($75,000,000.00), a salary of * * * Fifty Thousand Nine Hundred Twenty-nine Dollars ($50,929.00).

(3) In addition to all other compensation paid pursuant to this section, the board of supervisors shall pay to a person serving as both the tax assessor and tax collector in their county an additional Five Thousand Dollars ($5,000.00) per year.

(4) The annual salary established for assessors and tax collectors shall not be reduced as a result of a reduction in total assessed valuation. The salaries shall be increased as a result of an increase in total assessed valuation.

(5) In addition to all other compensation paid to assessors and tax collectors in counties having two (2) judicial districts, the board of supervisors shall pay such assessors and tax collectors an additional Three Thousand Five Hundred Dollars ($3,500.00) per year. In addition to all other compensation paid to assessors or tax collectors, in counties maintaining two (2) full-time offices, the board of supervisors shall pay the assessor

or tax collector an additional Three Thousand Five Hundred Dollars ($3,500.00) per year.

(6) In addition to all other compensation paid to assessors and tax collectors, the board of supervisors of a county shall allow for such assessor or tax collector, or both, to be paid additional compensation when there is a contract between the county and one or more municipalities providing that the assessor or tax collector, or both, shall assess or collect taxes, or both, for the municipality or municipalities; and such assessor or tax collector, or both, shall be authorized to receive such additional compensation from the county and/or the municipality or municipalities in any amount allowed by the county and/or the municipality or municipalities for performing those services.

(7) When any tax assessor holds a valid certificate of educational recognition from the International Association of Assessing Officers or is a licensed appraiser under Section 73-34-1 et seq., he shall receive an additional One Thousand Five Hundred Dollars ($1,500.00) annually beginning the next fiscal year after completion. When any tax assessor is a licensed state certified Residential Appraiser (RA) or licensed state certified Timberland Appraiser (TA) under Section 73-34-1 et seq., or when any tax assessor holds a valid designation from the International Association of Assessing Officers as a Cadastral Mapping Specialist (CMS) or Personal Property Specialist (PPS) or Residential Evaluation Specialist (RES), he shall receive an

additional Six Thousand Five Hundred Dollars ($6,500.00) annually beginning the next fiscal year after completion. When any tax assessor holds the valid designation of Certified Assessment Evaluator (CAE) from the International Association of Assessing Officers or is a state certified General Real Estate Appraiser (GA) under Section 73-34-1 et seq., he shall receive an additional Eight Thousand Five Hundred Dollars ($8,500.00) annually beginning the next fiscal year after completion.

(8) The salaries provided for in this section shall be the total funds paid to the county assessors and tax collectors and shall be full compensation for their services, with any fees being paid to the county general fund.

(9) The salaries provided for in this section shall be payable monthly on the first day of each calendar month by chancery clerk's warrant drawn on the general fund of the county; however, the board of supervisors, by resolution duly adopted and entered on its minutes, may provide that such salaries shall be paid semimonthly on the first and fifteenth day of each month. If a pay date falls on a weekend or legal holiday, salary payments shall be made on the workday immediately preceding the weekend or legal holiday.

SECTION 4. Section 25-3-13, Mississippi Code of 1972, is amended as follows:

25-3-13. (1) The salaries of the members of the boards of supervisors of the various counties are fixed as full compensation for their services.

The annual salary of each member of the board of supervisors shall be based upon the total assessed valuation of his respective county for the preceding taxable year in the following categories and for the following amounts:

(a) For counties having a total assessed valuation of less than Thirty Million Dollars ($30,000,000.00), a salary of * * * Twenty-nine Thousand Eight Hundred Seventy Dollars ($29,870.00);

(b) For counties having a total assessed valuation of at least Thirty Million Dollars ($30,000,000.00), but less than Fifty Million Dollars ($50,000,000.00), a salary of * * * Thirty-three Thousand Two Hundred Sixty-nine Dollars ($33,269.00);

(c) For counties having a total assessed valuation of at least Fifty Million Dollars ($50,000,000.00), but less than Seventy-five Million Dollars ($75,000,000.00), a salary of * * * Thirty-four Thousand Seven Hundred Eleven Dollars ($34,711.00);

(d) For counties having a total assessed valuation of at least Seventy-five Million Dollars ($75,000,000.00), but less than One Hundred Twenty-five Million Dollars ($125,000,000.00), a salary of * * * Thirty-five Thousand Seven Hundred Forty-one Dollars ($35,741.00);

(e) For counties having a total assessed valuation of at least One Hundred Twenty-five Million Dollars ($125,000,000.00), but less than Three Hundred Million Dollars ($300,000,000.00), a salary of * * * Forty-one Thousand Six Hundred Twelve Dollars ($41,612.00);

(f) For counties having a total assessed valuation of at least Three Hundred Million Dollars ($300,000,000.00), but less than One Billion Dollars ($1,000,000,000.00), a salary of * * * Forty-six Thousand Forty-one Dollars ($46,041.00);

(g) For counties having a total assessed valuation of One Billion Dollars ($1,000,000,000.00), but less than Two Billion Dollars ($2,000,000,000.00), a salary of * * * Forty-seven Thousand Seventy-one Dollars ($47,071.00);

(h) For counties having a total assessed valuation of Two Billion Dollars ($2,000,000,000.00) or more, a salary of * * * Forty-eight Thousand One Hundred One Dollars ($48,101.00).

(2) The annual salary established for the members of the board of supervisors shall not be reduced as a result of a reduction in total assessed valuation.

(3) The salary of the members of the board of supervisors shall not be increased under this section until the board of supervisors shall have passed a resolution stating the amount of the increase and spread it on its minutes.

SECTION 5. Section 25-7-9, Mississippi Code of 1972, is amended as follows:

25-7-9. (1) The clerks of the chancery courts shall charge the following fees:

(a) For the act of certifying copies of filed documents, for each complete document..................$ 1.00

(b) * * * Recording each deed, will, lease, amendment, subordination, lien, release, cancellation, order, decree, oath, etc., per book and page listed where applicable * * *, each deed of trust, or any other document, for the first * * * five (5) pages..$ * * * 25.00

Each additional page.....................$ 1.00

* * *

(* * *c) (i) Recording oil and gas leases, cancellations, etc., including indexing in general indices; for the first fifteen (15) pages...........................$ 18.00

Each additional page.....................$ 1.00

(ii) Sectional index entries per section or subdivision lot...$ 1.00

(iii) Recording each oil and gas assignment per assignee per each book and page listed..............$ 18.00

(* * *d) (i) Furnishing copies of any papers of record or on file:

If performed by the clerk or his employee, per page...$ .50

If performed by any other person, per page...$ .25

(ii) Entering marginal notations on documents of record..$ 1.00

(* * *e) For each day's attendance on the board of supervisors, for himself and one (1) deputy, each........$ 20.00

(* * *f) For other services as clerk of the board of supervisors an allowance shall be made to him (payable semiannually at the July and January meetings) out of the county treasury, an annual sum not exceeding...................$3,000.00

(* * *g) For each day's attendance on the chancery court, to be approved by the chancellor:

For the first chancellor sitting only, clerk and two (2) deputies, each............................$ * * * 85.00

For the second chancellor sitting, clerk only...$ * * * 85.00

Provided that the fees herein prescribed shall be the total remuneration for the clerk and his deputies for attending chancery court.

(* * *h) On order of the court, clerks and not more than two (2) deputies may be allowed five (5) extra days for each term of court for attendance upon the court to get up records.

(* * *i) For public service not otherwise specifically provided for, the chancery court may by order allow the clerk to be paid by the county on the order of the board of supervisors, an annual sum not exceeding.................................$5,000.00

(* * *j) For each civil filing, to be deposited into the Civil Legal Assistance Fund..........................$ 5.00

The chancery clerk shall itemize on the original document a detailed fee bill of all charges due or paid for filing, recording and abstracting same. No person shall be required to pay such fees until same have been so itemized, but those fees may be demanded before the document is recorded.

(2) The following * * * fee shall be a total fee for all services performed by the clerk with respect to * * * any civil case filed that includes, but is not limited to, divorce, alteration of birth or marriage certificate, removal of minority, guardianship or conservatorship, estate of deceased, adoption, land dispute injunction, settlement of small claim, contempt, modification, partition suit, or commitment, which shall be payable upon filing and shall accrue to the chancery clerk at the time of filing. The clerk or his successor in office shall perform all duties set forth without additional compensation or fee * * *..$ 85.00

(3) For every civil case filed:

(a) An additional fee to be deposited to the credit of the Comprehensive Electronic Court Systems Fund established in Section 9-21-14..$ 10.00

(b) An additional fee to be deposited to the credit of the Judicial System Operation Fund established in Section 9-21-45..$ 40.00

(4) Cost of process shall be borne by the issuing party. Additionally, should the attorney or person filing the pleadings desire the clerk to pay the cost to the sheriff for serving process on one (1) person or more, or to pay the cost of publication, the clerk shall demand the actual charges therefor, at the time of filing.

SECTION 6. Section 25-7-13, Mississippi Code of 1972, is amended as follows:

25-7-13. (1) The clerks of the circuit court shall charge the following fees:

(a) Docketing, filing, marking and registering each complaint, petition and indictment......................$ 85.00

The fee set forth in this paragraph shall be the total fee for all services performed by the clerk up to and including entry of judgment with respect to each complaint, petition or indictment, including all answers, claims, orders, continuances and other papers filed therein, issuing each writ, summons, subpoena or other such instruments, swearing witnesses, taking and recording bonds and pleas, and recording judgments, orders, fiats and certificates; the fee shall be payable upon filing and shall accrue to the clerk at the time of collection. The clerk or his successor in office shall perform all duties set forth above without additional compensation or fee.

(b) Docketing and filing each motion to renew judgment, notice of renewal of judgment, suggestion for a writ of garnishment, suggestion for a writ of execution and judgment debtor actions and issuing all process, filing and recording orders or other papers and swearing witnesses...........$ 35.00

(c) For every civil case filed, an additional fee to be deposited to the credit of the Comprehensive Electronic Court Systems Fund established in Section 9-21-14.............$ 10.00

(d) For every civil case filed, an additional fee to be deposited to the credit of the Judicial System Operation Fund established in Section 9-21-45.........................$ 40.00

(2) Except as provided in subsection (1) of this section, the clerks of the circuit court shall charge the following fees:

(a) Filing and marking each order or other paper and recording and indexing same............................$ 2.00

(b) Issuing each writ, summons, subpoena, citation, capias and other such instruments......................$ 1.00

(c) Administering an oath and taking bond.....$ 2.00

(d) Certifying copies of filed documents, for each complete document..$ 1.00

(e) Recording orders, fiats, licenses, certificates, oaths and bonds:

First page.....................................$ 2.00

Each additional page...........................$ 1.00

(f) Furnishing copies of any papers of record or on file and entering marginal notations on documents of record:

If performed by the clerk or his employee, per page..$ 1.00

If performed by any other person, per page.....$ .25

(g) Judgment roll entry.......................$ 5.00

(h) Taxing cost and certificate..............$ 1.00

(i) For taking and recording application for marriage license, for filing and recording consent of parents when required by law, for filing and recording medical certificate, filing and recording proof of age, recording and issuing license, recording and filing returns.......................................$ 20.00

The clerk shall deposit Fourteen Dollars ($14.00) of each fee collected for a marriage license in the Victims of Domestic Violence Fund established in Section 93-21-117, on a monthly basis.

(j) For certified copy of marriage license and search of record, the same fee charged by the Bureau of Vital Statistics of the State Board of Health.

(k) For public service not particularly provided for, the circuit court may allow the clerk, per annum, to be paid by the county on presentation of the circuit court's order, the following amount...$5,000.00

However, in the counties having two (2) judicial districts, such above allowance shall be made for each judicial district.

(l) For drawing jurors and issuing venire, to be paid by the county..$ 5.00

(m) For each day's attendance upon the circuit court term, for himself and necessary deputies allowed by the court, each to be paid by the county......................$ * * * 75.00

(n) Summons, each juror to be paid by the county upon the allowance of the court...............................$ 1.00

(o) For issuing each grand jury subpoena, to be paid by the county on allowance by the court, not to exceed Twenty-five Dollars ($25.00) in any one (1) term of court...........$ 1.00

(p) For each civil filing, to be deposited into the Civil Legal Assistance Fund.............................$ 5.00

(3) On order of the court, clerks and deputies may be allowed five (5) extra days for attendance upon the court to get up records.

(4) The clerk's fees in state cases where the state fails in the prosecution, or in cases of felony where the defendant is convicted and the cost cannot be made out of his estate, in an amount not to exceed Four Hundred Dollars ($400.00) in one (1) year, shall be paid out of the county treasury on approval of the circuit court, and the allowance thereof by the board of supervisors of the county. In counties having two (2) judicial districts, such allowance shall be made in each judicial district; however, the maximum thereof shall not exceed Eight Hundred Dollars ($800.00). Clerks in the circuit court, in cases where appeals are taken in criminal cases and no appeal bond is filed, shall be allowed by the board of supervisors of the county after

approval of their accounts by the circuit court, in addition to the above fees, for making such transcript the rate of Two Dollars ($2.00) per page.

(5) The clerk of the circuit court may retain as his commission on all money coming into his hands, by law or order of the court, a sum to be fixed by the court not exceeding one-half of one percent (1/2 of 1%) on all such sums.

(6) For making final records required by law, including, but not limited to, circuit and county court minutes, and furnishing transcripts of records, the circuit clerk shall charge Two Dollars ($2.00) per page. The same fees shall be allowed to all officers for making and certifying copies of records or papers which they are authorized to copy and certify.

(7) The circuit clerk shall prepare an itemized statement of fees for services performed, cost incurred, or for furnishing copies of any papers of record or on file, and shall submit the statement to the parties or, if represented, to their attorneys within sixty (60) days. A bill for same shall accompany the statement.

SECTION 7. Section 25-7-19, Mississippi Code of 1972, is amended as follows:

25-7-19. (1) The sheriffs of the various counties of the State of Mississippi shall charge the following fees:

(a) A uniform total fee in all criminal and civil cases for the service or attempted service of any process, summons, warrant, writ or other notice as may be required by law or the court, each....................................$ * * * 45.00

(b) In all cases where there is more than one (1) defendant residing at the same household, service on each additional defendant....................................$ 5.00

(c) After final judgment has been enrolled, notice of further proceedings involving levy of execution on judgments, and attachment and garnishment proceedings, shall be deemed a new suit and the sheriff shall be entitled to the following fee ....$ * * * 45.00

(d) Taking bonds of every kind (for purposes of this fee multiple bonds for criminal charges arising out of a single incident or transaction shall be considered a single bond)..$ 25.00

(e) Attendance in habeas corpus proceeding in vacation, eminent domain court and commitment cases...............$ 25.00

(f) On all money made by virtue of any decree, execution or attachment, or other process, the following commissions, to wit:

On the first One Hundred Dollars ($100.00), five percent (5%),

On the second One Hundred Dollars ($100.00), four percent (4%),

On all sums over Two Hundred Dollars ($200.00), three percent (3%).

(g) For all service of all process of every kind and nature issued from without the county wherein it is to be served, a fee of..$ * * * 45.00

In civil cases, all process sent out of the county, where issued to another county for service, shall be accompanied by a fee of * * * Forty-five Dollars ($45.00) to pay the sheriff's fee for his execution of such process unless the clerk or justice shall endorse on the process that the party at whose instance it issued had filed an affidavit of inability to pay costs thereof. All fees sent and unearned, and the whole of it, shall be unearned if the writ be not legally and properly executed and returned, and shall be remitted by the sheriff with the writ at his own expense.

(2) (a) The sheriff shall keep a complete account of every fee of every nature, commission or charge collected by him, and shall file an itemized statement thereof monthly, under oath, with the clerk of the board of supervisors of his county who shall preserve same as a part of the records of his office, and he shall make a remittance to the clerk of the board of supervisors of his county on or before the fifteenth of each month for deposit into the general fund of the county of all said fees, commissions and charges collected during the preceding month. A fee for attempted service of process is unearned absent two (2) documented actual attempts to serve the process.

(b) At least Ten Dollars ($10.00) from each fee collected and deposited into the county's general fund under the provisions of paragraphs (a), (c) and (g) of subsection (1) of this section shall be used for the sheriffs' salaries authorized in Section 25-3-25, as such Ten Dollar ($10.00) amount was authorized during the 2007 Regular Session in Chapter 331, Laws of 2007, for the purpose of providing additional monies to the counties for sheriffs' salaries.

(3) Any sheriff who shall knowingly fail to collect any fee established by law which was in fact collectible by him or having collected the fee shall fail to keep account of such fee or fail to deposit the fee with the clerk of the board of supervisors as provided by subsection (2), or such other person or office entitled thereto, shall be guilty of a misdemeanor in office and, upon conviction therefor, shall be fined in an amount not to exceed double the amount he failed to collect or pay over, or imprisoned for not to exceed six (6) months in the county jail, or be punished by both such fine and imprisonment.

This provision shall in no way lessen the sheriff's civil liability on his bond, but shall be an additional penalty for misfeasance or nonfeasance in office.

SECTION 8. Section 25-7-27, Mississippi Code of 1972, is amended as follows:

25-7-27. (1) Marshals and constables shall charge the following fees:

(a) (i) * * * In all civil and criminal cases, * * * for each service of process, summons, warrant, writ or other notice.................................... * * * 45.00

* * *

(* * *ii) In all cases where there is more than one (1) defendant residing at the same household, for service on each additional defendant...............................$ 5.00

(iii) For service of each process of every kind and nature issued from outside the county where it is to be served, the fees provided in subparagraphs (i) and (ii) of this paragraph, as applicable, shall be assessed.

(iv) When a complaining party has provided erroneous information to the clerk of the court relating to the service of process on the defendant or defendants and process cannot be served after diligent search and inquiry on oath thereof of the marshal or constable, as the case may be, charged with serving such process, the * * * fees provided in subparagraphs (i) and (ii) of this paragraph, as applicable, shall be assessed * * *.

(v) When * * * process has been attempted in one (1) county but the defendant is not found, and process must be served on that defendant in another county, the clerk shall notify the complaining party that an additional fee or fees must be paid before the process can be delivered to the other county.

(b) After final judgment has been enrolled, further proceedings involving levy of execution on judgments, and attachment and garnishment proceedings shall be a new suit for which the marshal or constable shall be entitled to the following fee..$ * * * 45.00

(c) For conveying a person charged with a crime to jail, mileage reimbursement in an amount not to exceed the rate established under Section 25-3-41(2).

To be paid out of the county treasury on the allowance of the board of supervisors, when the state fails in the prosecution, or the person is convicted but is not able to pay the costs.

(d) For other service, the same fees allowed sheriffs for similar services.

(e) For service as a bailiff in any court in a civil case, to be paid by the county on allowance of the court on issuance of a warrant therefor, an amount equal to the * * * amount provided under Section * * * 19-25-31 for each day, or part thereof, for which he serves as bailiff when the court is in session.

(f) For serving all warrants and other process and attending all trials in state cases in which the state fails in the prosecution, to be paid out of the county treasury on the allowance of the board of supervisors without itemization, subject, however, to the condition that the marshal or constable must not have overcharged in the collection of fees for costs, contrary to the provisions of this section, annually ....$ * * *2,500.00

(2) Marshals and constables shall be paid all uncollected fees levied under subsection (1) of this section in full from the first proceeds received by the court from the guilty party or from any other source of payment in connection with the case.

(3) In addition to the fees authorized to be paid to a constable under subsection (1) of this section, a constable may receive payments for collecting delinquent criminal fines in justice court pursuant to the provisions of Section 19-3-41(3).

SECTION 9. Section 41-61-59, Mississippi Code of 1972, is amended as follows:

41-61-59. (1) A person's death that affects the public interest as specified in subsection (2) of this section shall be promptly reported to the medical examiner by the physician in attendance, any hospital employee, any law enforcement officer having knowledge of the death, the embalmer or other funeral home employee, any emergency medical technician, any relative or any other person present. The appropriate medical examiner shall notify the municipal or state law enforcement agency or sheriff and take charge of the body. When the medical examiner has received notification under Section 41-39-15(6) that the deceased is medically suitable to be an organ and/or tissue donor, the medical examiner's authority over the body shall be subject to the provisions of Section 41-39-15(6). The appropriate medical examiner shall notify the Mississippi Bureau of Narcotics within twenty-four (24) hours of receipt of the body in cases of death as described in subsection (2)(m) or (n) of this section.

(2) A death affecting the public interest includes, but is not limited to, any of the following:

(a) Violent death, including homicidal, suicidal or accidental death.

(b) Death caused by thermal, chemical, electrical or radiation injury.

(c) Death caused by criminal abortion, including self-induced abortion, or abortion related to or by sexual abuse.

(d) Death related to disease thought to be virulent or contagious that may constitute a public hazard.

(e) Death that has occurred unexpectedly or from an unexplained cause.

(f) Death of a person confined in a prison, jail or correctional institution.

(g) Death of a person where a physician was not in attendance within thirty-six (36) hours preceding death, or in prediagnosed terminal or bedfast cases, within thirty (30) days preceding death.

(h) Death of a person where the body is not claimed by a relative or a friend.

(i) Death of a person where the identity of the deceased is unknown.

(j) Death of a child under the age of two (2) years where death results from an unknown cause or where the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.

(k) Where a body is brought into this state for disposal and there is reason to believe either that the death was not investigated properly or that there is not an adequate certificate of death.

(l) Where a person is presented to a hospital emergency room unconscious and/or unresponsive, with cardiopulmonary resuscitative measures being performed, and dies within twenty-four (24) hours of admission without regaining consciousness or responsiveness, unless a physician was in attendance within thirty-six (36) hours preceding presentation to the hospital, or in cases in which the decedent had a prediagnosed terminal or bedfast condition, unless a physician was in attendance within thirty (30) days preceding presentation to the hospital.

(m) Death that is caused by drug overdose or which is believed to be caused by drug overdose.

(n) When a stillborn fetus is delivered and the cause of the demise is medically believed to be from the use by the mother of any controlled substance as defined in Section 41-29-105.

(3) The State Medical Examiner is empowered to investigate deaths, under the authority hereinafter conferred, in any and all political subdivisions of the state. The county medical examiners and county medical examiner investigators, while appointed for a specific county, may serve other counties on a regular basis with written authorization by the State Medical Examiner, or may serve other counties on an as-needed basis upon the request of the ranking officer of the investigating law enforcement agency. If a death affecting the public interest takes place in a county other than the one where injuries or other substantial causal factors leading to the death have occurred, jurisdiction for investigation of the death may be transferred, by mutual agreement of the respective medical examiners of the counties involved, to the county where the injuries or other substantial causal factors occurred, and the costs of autopsy or other studies necessary to the further investigation of the death shall be borne by the county assuming jurisdiction.

(4) The chief county medical examiner or chief county medical examiner investigator may receive from the county in which he serves a salary of * * * One Thousand Two Hundred Fifty Dollars ($1,250.00) per month, in addition to the fees specified in Sections 41-61-69 and 41-61-75, provided that no county shall pay the chief county medical examiner or chief county medical examiner investigator less than * * * Three Hundred Dollars ($300.00) per month as a salary, in addition to other compensation provided by

law. In any county having one or more deputy medical examiners or deputy medical examiner investigators, each deputy may receive from the county in which he serves, in the discretion of the board of supervisors, a salary of not more than Nine Hundred Dollars ($900.00) per month, in addition to the fees specified in Sections 41-61-69 and 41-61-75; however, no county shall pay the deputy medical examiners or deputy medical examiner investigators less than Three Hundred Dollars ($300.00) per month as a salary in addition to other compensation provided by law. For this salary the chief shall assure twenty-four-hour daily and readily available death investigators for the county, and shall maintain copies of all medical examiner death investigations for the county for at least the previous five (5) years. He shall coordinate his office and duties and cooperate with the State Medical Examiner, and the State Medical Examiner shall cooperate with him.

SECTION 10. Section 41-61-75, Mississippi Code of 1972, is amended as follows:

41-61-75. (1) For each investigation with the preparation and submission of the required reports, the following fees shall be billed to and paid by the county for which the service is provided:

(a) A medical examiner or his deputy shall receive *** * *** One Hundred Seventy-five Dollars ($175.00) for each completed report of investigation of death, plus the examiner's actual expenses. In addition to that fee, in cases where the cause of death was sudden infant death syndrome (SIDS) and the medical examiner provides a SIDS Death Scene Investigation report, the medical examiner shall receive for completing that report an additional Fifty Dollars ($50.00), or an additional One Hundred Dollars ($100.00) if the medical examiner has received advanced training in child death investigations and presents to the county a certificate of completion of that advanced training. The State Medical Examiner shall develop and prescribe a uniform format and list of matters to be contained in SIDS/Child Death Scene Investigation reports, which shall be used by all county medical examiners and county medical examiner investigators in the state.

(b) The pathologist performing autopsies as provided in Section 41-61-65 shall receive One Thousand Dollars ($1,000.00) per completed autopsy, plus mileage expenses to and from the site of the autopsy, and shall be reimbursed for any out-of-pocket expenses for third-party testing, not to exceed One Hundred Dollars ($100.00) per autopsy.

(2) Any medical examiner, physician or pathologist who is subpoenaed for appearance and testimony before a grand jury, courtroom trial or deposition shall be entitled to an expert witness hourly fee to be set by the court and mileage expenses to and from the site of the testimony, and such amount shall be paid by the jurisdiction or party issuing the subpoena.

(3) This section shall stand repealed on July 1, * * * 2021.

SECTION 11. The board of supervisors of any county in the state is authorized, in its discretion, to pay a monthly office allowance to the attorney employed by the board in an amount not exceeding the amount authorized to be paid for secretarial services for the county prosecuting attorney under Section 19-23-19.

SECTION 12. (1) There is created a County Elected Officials Compensation and Fees Task Force to study the structure, amounts and sources of the compensation received by, and the fees charged and collected by, the elected officials of the counties, and to make recommendations to address the compensation received by, and the fees charged and collected by, elected county officials on a long-term basis.

(2) The task force shall make a report of its findings and recommendations to the Legislature by December 1, 2019, including any recommended legislation.

(3) The task force shall be composed of fourteen (14) members, as follows:

(a) A representative of the Mississippi Association of Supervisors, designated by the association;

(b) A representative of the Mississippi Chancery Clerks Association, designated by the association;

(c) A representative of the Mississippi Circuit Clerks Association, designated by the association;

(d) A representative of the Mississippi Assessors and Collectors Association, designated by the association;

(e) A representative of the Mississippi Coroner and Medical Examiners Association, designated by the association;

(f) A representative of the Mississippi Constables Association, designated by the association;

(g) A representative of the Mississippi Sheriffs' Association, designated by the association;

(h) A representative of the Mississippi Justice Court Judges Association, designated by the association;

(i) Three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives; and

(j) Three (3) members of the Senate appointed by the Lieutenant Governor.

(4) Legislative appointments shall be made within thirty (30) days after the effective date of this section. Within fifteen (15) days thereafter on a day to be designated jointly by the Speaker of the House of Representatives and the Lieutenant Governor, the task force shall meet and organize by selecting from its membership a chair and a vice chair. The vice chair shall also serve as secretary and shall be responsible for keeping all records of the task force. A majority of the members of the task force shall constitute a quorum. In the selection of its officers and the adoption of rules, resolutions and reports, an affirmative vote of a majority of the task force shall be required. All

members shall be notified in writing of all meetings, and those notices shall be mailed at least fifteen (15) days before the date on which a meeting is to be held.

(5) The members of the task force who are not legislators shall be compensated at the per diem rate authorized by Section 25-3-69 and shall be reimbursed in accordance with Section 25-3-41 for mileage and actual expenses incurred in the performance of their duties. Legislative members of the task force shall be paid from the contingent expense funds of their respective houses in the same manner as provided for committee meetings when the Legislature is not in session. However, no per diem or expenses for attending meetings of the task force will be paid to legislative members of the task force while the Legislature is in session. No task force members may incur per diem, travel or other expense unless previously authorized by vote, at a meeting of the task force, which action shall be recorded in the official minutes of the meeting. The nonlegislative members shall be paid from any funds made available to the task force for that purpose.

SECTION 13. If the total amount of all fees received by the office of the chancery clerk or by the office of the circuit clerk in any year are insufficient to pay the expenses of the office for that year, the clerk shall notify the board of supervisors, and if the board of supervisors makes a finding and enters on its minutes the finding that the fees received by the office of the clerk are insufficient to pay the expenses of the office for that year, then the board of supervisors, in its discretion, may appropriate funds from the general fund of the county to the office of the clerk as necessary to supplement the payment of the expenses of the office of the clerk.

SECTION 14. This act shall take effect and be in force from and after January 1, 2020, except for Section 11, which shall take effect and be in force from and after July 1, 2019, and Sections 12 and 13, which shall take effect and be in force from and after the passage of this act.

Mississippi Legislature
2019 Regular Session

Senate Bill 2828

Description: GAP (Guard and Protect vulnerable children and adults) Act; revise guardianship and conservatorship laws.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: January 1, 2020

History of Actions:

1	01/21	(S)	Referred To Judiciary, Division A
2	02/05	(S)	Title Suff Do Pass Comm Sub
3	02/12	(S)	Committee Substitute Adopted
4	02/12	(S)	Passed {Vote}
5	02/13	(S)	Transmitted To House
6	02/19	(H)	Referred To Judiciary A
7	02/26	(H)	Title Suff Do Pass As Amended
8	03/12	(H)	Read the Third Time
9	03/13	(H)	Amended
10	03/13	(H)	Passed As Amended {Vote}
11	03/14	(H)	Returned For Concurrence
12	03/21	(S)	Concurred in Amend From House {Vote}
13	04/05	(S)	Enrolled Bill Signed
14	04/05	(H)	Enrolled Bill Signed
15	04/05	Due	From Governor 04/23/19

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Committee Amendment No 1Pending
Amendment Report for Senate Bill No. 2828

Code Section: A 009-0001-0049, A 043-0047-0029, A 045-0009-0103, A 081-0005-0062, A 081-0012-0145, A 081-0014-0363, A 091-0008-0103, A 093-0014-0102, A 093-0014-0302, RP 093-0013-0003, RP 093-0013-0005, RP 093-0013-0007, RP 093-0013-0009, RP 093-0013-0011, RP 093-0013-0013, RP 093-0013-0015, RP 009-0013-0017, RP 093-0013-0019, RP 093-0013-0021, RP 093-0013-0023, RP 093-0013-0025, RP 093-0013-0027, RP 093-0013-0029, RP 093-0013-0031, RP 093-0013-0033, RP 093-0013-0035, RP 093-0013-0037, RP 093-0013-0038, RP 093-0013-0039, RP 093-0013-0041, RP 093-0013-0043, RP 093-0013-0045, RP 093-0013-0047, RP 093-0013-0049, RP 093-0013-0051, RP 093-0013-0053, RP 093-0013-0055, RP 093-0013-0057, RP 093-0013-0059, RP 093-0013-0061, RP 093-0013-0063, RP 093-0013-0065, RP 093-0013-0067, RP 093-0013-0069, RP 093-0013-0071, RP 093-0013-0073, RP 093-0013-0075, RP 093-0013-0077, RP 093-0013-0079, RP 093-0013-0111, RP 093-0013-0121, RP 093-0013-0123, RP 093-0013-0125, RP 093-0013-0127, RP 093-0013-0128, RP 093-0013-0129, RP 093-0013-0131, RP 093-0013-0133, RP 093-0013-0135, RP 093-0013-0151, RP 093-0013-0161, RP 093-0013-0181, RP 093-0013-0183, RP 093-0013-0185, RP 093-0013-0187, RP 093-0013-0211, RP 093-0013-0213, RP 093-0013-0215, RP 093-0013-0217, RP 093-0013-0219, RP 093-0013-0251, RP 093-0013-0253, RP 093-0013-0255, RP 093-0013-0257, RP 093-0013-0259, RP 093-0013-0261, RP 093-0013-0263, RP 093-0013-0265, RP 093-0013-0267, RP 093-0013-0281

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: Fillingane
Additional Authors: Doty, McDaniel, Branning, McMahan

Title: AN ACT TO CREATE THE MISSISSIPPI GUARDIANSHIP AND CONSERVATORSHIP ACT; TO ENACT A SHORT TITLE; TO PROVIDE DEFINITIONS; TO PROVIDE THAT THE PRINCIPLES OF LAW AND EQUITY ARE SUPPLEMENTAL TO THE ACT; TO PROVIDE SUBJECT-MATTER JURISDICTION; TO PROVIDE FOR TRANSFER OF PROCEEDINGS; TO ESTABLISH VENUE; TO CLARIFY APPLICATION OF THE RULES OF EVIDENCE, RULES OF CIVIL PROCEDURE AND RULES OF APPELLATE PROCEDURE; TO PROVIDE FOR ISSUANCE OF LETTERS OF GUARDIANSHIP OR CONSERVATORSHIP; TO PROVIDE THE EFFECT OF ACCEPTANCE OF APPOINTMENT AS A GUARDIAN OR CONSERVATOR; TO AUTHORIZE CO-GUARDIANS AND CO-CONSERVATORS; TO AUTHORIZE JUDICIAL APPOINTMENT OF SUCCESSORS; TO PROVIDE FOR THE EFFECT OF DEATH, REMOVAL OR RESIGNATION OF A GUARDIAN OR CONSERVATOR; TO REQUIRE NOTICE OF HEARINGS; TO ALLOW WAIVER OF NOTICE; TO AUTHORIZE APPOINTMENT OF A GUARDIAN AD LITEM; TO AUTHORIZE A PERSON TO REQUEST NOTICE; TO REQUIRE DISCLOSURE OF BANKRUPTCY OR CRIMINAL HISTORY; TO AUTHORIZE COMPENSATION AND REIMBURSEMENT OF EXPENSES; TO IMMUNIZE THOSE SERVING FROM LIABILITY FOR AN ACT OF THE WARD; TO AUTHORIZE ONE APPOINTED TO PETITION THE COURT FOR INSTRUCTION OR RATIFICATION; TO PROVIDE WHEN A THIRD PARTY NEED NOT ACCEPT THE AUTHORITY OF THE APPOINTEE; TO AUTHORIZE A TEMPORARY SUBSTITUTE GUARDIAN OR CONSERVATOR; TO AUTHORIZE REGISTRATION OF AN OUT-OF-STATE GUARDIAN OR CONSERVATOR; TO ENACT TRANSITION PROVISIONS; TO AUTHORIZE GUARDIANSHIP OF A MINOR; TO REQUIRE A PETITION FOR APPOINTMENT; TO REQUIRE NOTICE OF HEARING; TO AUTHORIZE APPOINTMENT OF AN ATTORNEY FOR THE MINOR; TO AUTHORIZE THE MINOR'S ATTENDANCE AT A HEARING; TO SPECIFY THE RIGHTS OF THE MINOR; TO AUTHORIZE A LIMITED

GUARDIANSHIP; TO AUTHORIZE AN EMERGENCY GUARDIAN; TO PROVIDE THE DUTIES AND POWERS OF A GUARDIAN; TO PROVIDE FOR THE REMOVAL OF A GUARDIAN AND TERMINATION OF A GUARDIANSHIP; TO PROVIDE FOR THE GUARDIANSHIP OF AN ADULT; TO REQUIRE A PETITION FOR APPOINTMENT OF A GUARDIAN; TO REQUIRE NOTICE OF A HEARING; TO AUTHORIZE APPOINTMENT OF A GUARDIAN AD LITEM; TO REQUIRE PROFESSIONAL EVALUATION; TO SPECIFY THE RIGHTS OF THE ADULT AT A HEARING; TO PROVIDE FOR CONFIDENTIALITY OF RECORDS; TO SPECIFY WHO MAY BE A GUARDIAN; TO PROVIDE STANDARDS FOR AN ORDER APPOINTING A GUARDIAN FOR AN ADULT; TO REQUIRE NOTICE OF AN ORDER OF APPOINTMENT; TO AUTHORIZE AN EMERGENCY GUARDIAN FOR AN ADULT; TO SET FORTH THE DUTIES AND POWERS OF A GUARDIAN OF AN ADULT; TO AUTHORIZE LIMITATIONS ON THE GUARDIAN'S POWER; TO REQUIRE A GUARDIAN'S PLAN AND AUTHORIZE AMENDMENT THEREOF; TO REQUIRE WELL-BEING REPORTS AND MONITORING OF THE GUARDIANSHIP; TO AUTHORIZE REMOVAL OF A GUARDIAN AND APPOINTMENT OF A SUCCESSOR; TO PROVIDE FOR TERMINATION OR MODIFICATION; TO AUTHORIZE CONSERVATORSHIP OF THE ESTATE OF A WARD, WHETHER A MINOR OR AN ADULT; TO REQUIRE PETITION FOR APPOINTMENT OF A CONSERVATOR; TO PROVIDE FOR NOTICE AND HEARING; TO AUTHORIZE THE COURT TO ORDER PRESERVATION AND APPLICATION OF THE ESTATE DURING THE PENDENCY OF THE PROCEEDING; TO AUTHORIZE APPOINTMENT OF A GUARDIAN AD LITEM; TO AUTHORIZE APPOINTMENT OF AN ATTORNEY FOR THE RESPONDENT; TO REQUIRE PROFESSIONAL EVALUATION; TO SPECIFY THE RESPONDENT'S RIGHTS; TO PROVIDE FOR CONFIDENTIALITY; TO PROVIDE WHO MAY SERVE AS CONSERVATOR; TO REQUIRE AN ORDER APPOINTING A CONSERVATOR; TO REQUIRE NOTICE OF THE APPOINTMENT OF A CONSERVATOR; TO AUTHORIZE APPOINTMENT OF AN EMERGENCY CONSERVATOR; TO LIMIT THE POWERS OF A CONSERVATOR; TO PROVIDE FOR PETITION FOR CERTAIN RELIEF AFTER THE APPOINTMENT OF A CONSERVATOR; TO REQUIRE BOND, OATH AND ASSET-PROTECTION ARRANGEMENTS; TO REQUIRE CERTAIN TERMS FOR THE BOND; TO PROVIDE FOR THE DUTIES AND POWERS OF A CONSERVATOR; TO REQUIRE A CONSERVATOR'S PLAN AND AUTHORIZE AMENDMENT THEREOF; TO REQUIRE INVENTORY AND RECORD KEEPING; TO AUTHORIZE ADMINISTRATIVE POWERS OF A CONSERVATOR NOT REQUIRING COURT APPROVAL; TO AUTHORIZE DISTRIBUTION FROM THE CONSERVATORSHIP ESTATE; TO REQUIRE REPORTING, ACCOUNTING AND MONITORING; TO BAR ATTEMPTED TRANSFER OF PROPERTY BY THE WARD; TO AUTHORIZE VOIDING OF A TRANSACTION THAT CONSTITUTES A CONFLICT OF INTEREST; TO PROTECT PERSONS DEALING WITH A CONSERVATOR IN GOOD FAITH; TO AUTHORIZE PRESENTATION AND ALLOWANCE OF CLAIMS AGAINST THE ESTATE; TO PROVIDE FOR THE PERSONAL LIABILITY OF A CONSERVATOR; TO AUTHORIZE REMOVAL OF A CONSERVATOR AND APPOINTMENT OF A SUCCESSOR; TO AUTHORIZE TERMINATION OR MODIFICATION OF A CONSERVATORSHIP; TO AUTHORIZE

CERTAIN TRANSFERS WITHOUT APPOINTMENT OF A CONSERVATOR IF IN THE BEST INTEREST OF A MINOR; TO AMEND SECTION 9-1-49, MISSISSIPPI CODE OF 1972, TO CONFORM A COURT CLERK'S RESPONSIBILITY TO SUBMIT CERTAIN INFORMATION TO THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 43-47-29, MISSISSIPPI CODE OF 1972, TO CONFORM THE AUTHORITY OF THE DEPARTMENT OF HUMAN SERVICES TO SEEK APPOINTMENT OF A CONSERVATOR FOR A VULNERABLE PERSON; TO AMEND SECTION 45-9-103, MISSISSIPPI CODE OF 1972, TO CONFORM PROVISIONS CONCERNING TRANSMISSION OF FEDERAL PROHIBITED PERSON INFORMATION TO THE FBI; TO AMEND SECTIONS 81-5-62, 81-12-145 AND 81-14-363, MISSISSIPPI CODE OF 1972, TO CONFORM PROVISIONS CONCERNING ACCOUNTS PAYABLE UPON DEATH; TO AMEND SECTION 91-8-103, MISSISSIPPI CODE OF 1972, TO CONFORM DEFINITIONS WITH REGARD TO TRUSTS; TO AMEND SECTIONS 93-14-102 AND 93-14-302, MISSISSIPPI CODE OF 1972, TO CONFORM PROVISIONS AFFECTING JURISDICTION OF ADULT GUARDIANSHIP AND PROTECTION PROCEEDINGS AND CONFORM AGE OF MAJORITY; TO REPEAL SECTIONS 93-13-3 THROUGH 93-13-79, 93-13-111, 93-13-121 THROUGH 93-13-135, 93-13-151, 93-13-161, 93-13-181 THROUGH 93-13-187, 93-13-211 THROUGH 93-13-219, 93-13-251 THROUGH 93-13-267 AND 93-13-281, MISSISSIPPI CODE OF 1972, WHICH DEAL WITH GUARDIANSHIPS AND CONSERVATORSHIPS; TO DIRECT THAT TITLE 93, CHAPTER 13, MISSISSIPPI CODE OF 1972, BE RETITLED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Fillingane, Doty, McDaniel, Branning, McMahan

To: Judiciary, Division A

SENATE BILL NO. 2828
(As Sent to Governor)

AN ACT TO CREATE THE MISSISSIPPI GUARDIANSHIP AND CONSERVATORSHIP ACT; TO ENACT A SHORT TITLE; TO PROVIDE DEFINITIONS; TO PROVIDE THAT THE PRINCIPLES OF LAW AND EQUITY ARE SUPPLEMENTAL TO THE ACT; TO PROVIDE SUBJECT-MATTER JURISDICTION; TO PROVIDE FOR TRANSFER OF PROCEEDINGS; TO ESTABLISH VENUE; TO CLARIFY APPLICATION OF THE RULES OF EVIDENCE, RULES OF CIVIL PROCEDURE AND RULES OF APPELLATE PROCEDURE; TO PROVIDE FOR ISSUANCE OF LETTERS OF GUARDIANSHIP OR CONSERVATORSHIP; TO PROVIDE THE EFFECT OF ACCEPTANCE OF APPOINTMENT AS A GUARDIAN OR CONSERVATOR; TO AUTHORIZE CO-GUARDIANS AND CO-CONSERVATORS; TO AUTHORIZE JUDICIAL APPOINTMENT OF SUCCESSORS; TO PROVIDE FOR THE EFFECT OF DEATH, REMOVAL OR RESIGNATION OF A GUARDIAN OR CONSERVATOR; TO REQUIRE NOTICE OF HEARINGS; TO ALLOW WAIVER OF NOTICE; TO AUTHORIZE APPOINTMENT OF A GUARDIAN AD LITEM; TO AUTHORIZE A PERSON TO REQUEST NOTICE; TO REQUIRE DISCLOSURE OF BANKRUPTCY OR CRIMINAL HISTORY; TO AUTHORIZE COMPENSATION AND REIMBURSEMENT OF EXPENSES; TO IMMUNIZE THOSE SERVING FROM LIABILITY FOR AN ACT OF THE WARD; TO AUTHORIZE ONE APPOINTED TO PETITION THE COURT FOR INSTRUCTION OR RATIFICATION; TO PROVIDE WHEN A THIRD PARTY NEED NOT ACCEPT THE AUTHORITY OF THE APPOINTEE; TO AUTHORIZE A TEMPORARY SUBSTITUTE GUARDIAN OR CONSERVATOR; TO AUTHORIZE REGISTRATION OF AN OUT-OF-STATE GUARDIAN OR CONSERVATOR; TO ENACT TRANSITION PROVISIONS; TO AUTHORIZE GUARDIANSHIP OF A MINOR; TO REQUIRE A PETITION FOR APPOINTMENT; TO REQUIRE NOTICE OF HEARING; TO AUTHORIZE APPOINTMENT OF AN ATTORNEY FOR THE MINOR; TO AUTHORIZE THE MINOR'S ATTENDANCE AT A HEARING; TO SPECIFY THE RIGHTS OF THE MINOR; TO AUTHORIZE A LIMITED GUARDIANSHIP; TO AUTHORIZE AN EMERGENCY GUARDIAN; TO PROVIDE THE DUTIES AND POWERS OF A GUARDIAN; TO PROVIDE FOR THE REMOVAL OF A GUARDIAN AND TERMINATION OF A GUARDIANSHIP; TO PROVIDE FOR THE GUARDIANSHIP OF AN ADULT; TO REQUIRE A PETITION FOR APPOINTMENT OF A GUARDIAN; TO REQUIRE NOTICE OF A HEARING; TO AUTHORIZE APPOINTMENT OF A GUARDIAN AD LITEM; TO REQUIRE PROFESSIONAL EVALUATION; TO SPECIFY THE RIGHTS OF THE ADULT AT A HEARING; TO PROVIDE FOR

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CODE OF 1972, TO CONFORM PROVISIONS AFFECTING JURISDICTION OF ADULT GUARDIANSHIP AND PROTECTION PROCEEDINGS AND CONFORM AGE OF MAJORITY; TO REPEAL SECTIONS 93-13-3 THROUGH 93-13-79, 93-13-111, 93-13-121 THROUGH 93-13-135, 93-13-151, 93-13-161, 93-13-181 THROUGH 93-13-187, 93-13-211 THROUGH 93-13-219, 93-13-251 THROUGH 93-13-267 AND 93-13-281, MISSISSIPPI CODE OF 1972, WHICH DEAL WITH GUARDIANSHIPS AND CONSERVATORSHIPS; TO DIRECT THAT TITLE 93, CHAPTER 13, MISSISSIPPI CODE OF 1972, BE RETITLED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following is the Mississippi Guardianship and Conservatorship Act and shall be codified in Title 93, Mississippi Code of 1972, to replace those statutes in Title 93, Chapter 13, Mississippi Code of 1972, which are repealed in Sections 11 through 19 of this act:

ARTICLE 1

GENERAL PROVISIONS

Section 101. Short title. This act may be cited as the Mississippi Guardianship and Conservatorship Act.

Section 102. Definitions. In this act:

(a) "Adult" means an individual at least twenty-one (21) years of age or an emancipated individual under twenty-one (21) years of age.

(b) "Claim" includes a claim against an individual or conservatorship estate, whether arising in contract, tort, or otherwise.

(c) "Conservator" means a person appointed by a court to make decisions with respect to the property or financial affairs of a ward. The term includes a co-conservator.

(d) "Conservatorship estate" means the property subject to conservatorship under this act.

(e) "Full conservatorship" means a conservatorship that grants the conservator all powers available under this act.

(f) "Full guardianship" means a guardianship that grants the guardian all powers available under this act.

(g) "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of the ward. The term includes a co-guardian but does not include a guardian ad litem.

(h) "Guardian ad litem" means a qualified person appointed by the court to inform the court about the ward, to protect the best interests of the ward, and to make recommendations to the court in the best interests of the ward.

(i) "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator in the discretion of the court.

(j) "Letters of guardianship or conservatorship" means a record issued by a court certifying a guardian's or conservator's authority to act.

(k) "Limited conservatorship" means a conservatorship that grants the conservator less than all powers available under this act, grants powers over only certain property, or otherwise restricts the powers of the conservator.

(l) "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this act or otherwise restricts the powers of the guardian.

(m) "Minor" means an unemancipated individual under twenty-one (21) years of age.

(n) "Parent" does not include an individual whose parental rights have been terminated.

(o) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(p) "Property" includes tangible and intangible property.

(q) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(r) "Respondent" means an individual for whom appointment of a guardian or conservator is sought.

(s) "Sign" means, with present intent to authenticate or adopt a record:

(i) To execute or adopt a tangible symbol; or

(ii) To attach to or logically associate with the record an electronic symbol, sound, or process.

(t) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

(u) "Ward" means an adult or minor for whom a guardian or conservator has been appointed under this act.

Section 103. Supplemental principles of law and equity applicable. Unless displaced by a particular provision of this act, the principles of law and equity supplement its provisions.

Section 104. Subject-matter jurisdiction. (1) Except to the extent jurisdiction is precluded by the Uniform Child Custody Jurisdiction and Enforcement Act (Title 93, Chapter 27, Mississippi Code of 1972), the chancery court has jurisdiction over a guardianship or conservatorship for a respondent domiciled or present in this state or having property in this state.

(2) After notice is given in a proceeding for a guardianship or conservatorship and until termination of the proceeding, the court in which the petition is filed has:

(a) Exclusive jurisdiction to determine the need for the guardianship or conservatorship;

(b) Exclusive jurisdiction to determine how property of the respondent must be managed, expended, or distributed to or for the use of the respondent, an individual who is dependent in fact on the respondent, or other claimant;

(c) Nonexclusive jurisdiction to determine the validity of a claim against the respondent or property of the respondent or a question of title concerning the property; and

(d) If a guardian or conservator is appointed, exclusive jurisdiction over issues related to administration of the guardianship or conservatorship.

(3) A court that appoints a guardian or conservator has exclusive and continuing jurisdiction over the proceeding until the court terminates the proceeding.

Section 105. Transfer of proceeding. (1) This section does not apply to a guardianship or conservatorship for an adult that is subject to the transfer provisions of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (Title 93, Chapter 14, Mississippi Code of 1972).

(2) After appointment of a guardian or conservator, the court that made the appointment may transfer the proceeding to a court in another county in this state or another state if transfer is in the best interest of the ward, a final settlement of the conservatorship accounts is made, and the guardian or conservator qualifies as such in the county or state to which the proceeding is being removed.

(3) If a proceeding for a guardianship or conservatorship is pending in another state or a foreign country and a petition for guardianship or conservatorship for the same respondent is filed in a court in this state, the court must notify the court in the other state or foreign country and, after consultation with that court, assume or decline jurisdiction, whichever is in the best interest of the respondent.

(4) A guardian or conservator appointed in another state or country may petition the court for appointment as a guardian or conservator in this state for the same individual if jurisdiction in this state is or will be established. The appointment may be made on proof as outlined in Section 124.

(5) Notice of hearing on a petition under subsection (4), together with a copy of the petition, must be given to the respondent, if the respondent is at least fourteen (14) years of age at the time of the hearing, and to the persons that would be entitled to notice if the procedures for appointment of a guardian or conservator under this act were applicable. The court shall make the appointment unless it determines the appointment would not be in the best interest of the respondent.

(6) Not later than fourteen (14) days after appointment under subsection (5), the guardian or conservator must give a copy of the order of appointment to the ward, if the ward is at least fourteen (14) years of age, and to all persons given notice of the hearing on the petition.

Section 106. Venue. (1) Venue for a guardianship proceeding for a minor is in:

(a) The county in which the minor resides or is present at the time the proceeding commences; or

(b) The county in which another proceeding concerning the custody or parental rights of the minor is pending.

(2) Venue for a guardianship proceeding for an adult is in:

(a) The county in which the respondent resides;

(b) If the respondent has been admitted to an institution by court order, the county in which the court is located; or

(c) If the proceeding is for appointment of an emergency guardian for an adult, the county in which the respondent is present.

(3) Venue for a conservatorship proceeding is in:

(a) The county in which the respondent resides, whether or not a guardian has been appointed in another county or other jurisdiction; or

(b) If the respondent does not reside in this state, in any county in which property of the respondent is located.

(4) If proceedings under this act are brought in more than one (1) county, the court of the county in which the first proceeding is brought has the exclusive right to proceed unless the court determines venue is properly in another court or that the interest of justice otherwise requires transfer of the proceeding.

Section 107. Practice in court. (1) Except as otherwise provided in this act, the Mississippi Rules of Evidence and Mississippi Rules of Civil Procedure, including rules concerning appellate review, govern a proceeding under this act.

(2) If proceedings for a guardianship or conservatorship for the same individual are commenced or pending in the same court, the proceedings may be consolidated.

Section 108. Letters of guardianship or conservatorship. (1) The clerk must issue letters of guardianship to a guardian who takes the proper oath, posts bond if required, and submits a certificate of attorney and certificate of fiduciary, unless waived by the court.

(2) The clerk must issue letters of conservatorship to a conservator who takes the proper oath, posts bond if required, and submits a certificate of attorney and certificate of fiduciary, unless waived by the court or unless the conservator complies with another asset-protection arrangement required by the court.

(3) The court in its initial order of appointment or at any subsequent time may limit the powers conferred on a guardian or conservator. The court shall direct the clerk to issue new letters of guardianship or conservatorship that reflect the limitation. The court shall direct the clerk to give notice of the limitation by service of a copy of the court's order on the guardian or conservator, the ward, and any other person the court determines.

(4) Limitations on the powers of a guardian or conservator or on the property subject to conservatorship must be stated in the letters of guardianship or conservatorship.

Section 109. Effect of acceptance of appointment. By accepting appointment, a guardian or conservator submits to the personal jurisdiction of the court in this state in any proceeding relating to the guardianship or conservatorship.

Section 110. Co-guardian; co-conservator. When the court deems appropriate, the co-guardian or co-conservator must comply with Section 108.

Section 111. Judicial appointment of successor guardian or successor conservator. (1) The court at any time may appoint a successor guardian or successor conservator to serve immediately as ordered by the court.

(2) A person entitled under Section 202 or 302 to petition the court to appoint a guardian may petition the court to appoint a successor guardian. A person entitled under Section 402 to petition the court to appoint a conservator may petition the court to appoint a successor conservator.

(3) A successor guardian or successor conservator appointed to serve may act as guardian or conservator upon compliance with Section 108.

Section 112. Effect of death, removal, or resignation of guardian or conservator. (1) The appointment of a guardian or conservator terminates on the death or removal of the guardian or conservator, or when the court approves a resignation of the guardian or conservator under subsection (2).

(2) A guardian or conservator must petition the court to resign. The petition may include a request that the court appoint a successor. Resignation of a guardian or conservator is effective on the date the resignation is approved by the court.

(3) Death, removal, or resignation of a guardian or conservator does not affect liability for a previous act or the obligation to account for:

(a) An action taken on behalf of the ward; or

(b) The ward's funds or other property.

Section 113. Notice of hearing generally. (1) Except as otherwise provided in Section 203, 303(3) or 403(3), if notice of a hearing under this act is required, the movant must give notice of the date, time, and place of the hearing to the person to be notified unless otherwise ordered by the court for good cause shown. Except as otherwise provided in this act, notice must be given in compliance with Rule 81 of the Mississippi Rules of Civil Procedure.

(2) Proof of notice of a hearing under this act must be made before or at the hearing and filed in the proceeding.

(3) Notice of a hearing under this act must be in at least sixteen-point font, in plain language, and, to the extent feasible, in a language in which the person to be notified is proficient.

(4) Any person interested in the ward's welfare may file a motion to intervene as provided by Rule 24 of the Mississippi Rules of Civil Procedure.

Section 114. Waiver of notice. Except as otherwise provided in this act, a person may waive notice under this act in a record signed by the person or person's attorney and filed in the proceeding. However, a respondent or ward may not waive notice under this act.

Section 115. Guardian ad litem. The court at any time may appoint a guardian ad litem for an individual. If no conflict of interest exists, a guardian ad litem may be appointed to represent multiple individuals or interests. The guardian ad litem may not be the same individual as the attorney representing the respondent. The court shall state the duties of the guardian ad litem and the reasons for the appointment.

Section 116. Request for notice. (1) A person may file with the court a request for notice under this act if the person is:

(a) Not otherwise entitled to notice under Section 203, 303(3) or 403(3); and

(b) Interested in the welfare of a respondent or ward.

(2) A request under subsection (1) must include a statement showing the interest of the person making the request and the address of the person or an attorney for the person to whom notice is to be given.

(3) If the court approves a request under subsection (1), the court must give notice of the approval to the guardian or conservator, if one has been appointed, or to the respondent if no guardian or conservator has been appointed.

Section 117. Disclosure of bankruptcy or criminal history. Before accepting appointment as a guardian or conservator, a person must disclose to the court whether the person:

(a) Is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding; or

(b) Has been convicted of:

(i) A felony;

(ii) A crime involving dishonesty, neglect, violence, or use of physical force; or

(iii) Other crime relevant to the functions the person would assume as guardian or conservator.

Section 118. Compensation and expenses; in general. (1) An attorney for a respondent in a proceeding under this act may be awarded reasonable compensation for services and reasonable expenses in the discretion of the court.

(2) An attorney or other person whose services resulted in an order beneficial to a ward may be awarded reasonable compensation for services and reasonable expenses in the discretion of the court.

(3) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.

(4) If the court dismisses a petition under this act and determines the petition was filed in bad faith, the court may assess any costs the court deems appropriate.

Section 119. Compensation of guardian or conservator. (1) Subject to court approval, a guardian may be awarded reasonable compensation for services as guardian and to reimbursement for room, board, clothing, and other appropriate expenses advanced for the benefit of the ward. If a conservator other than the guardian or a person affiliated with the guardian is appointed for the ward, reasonable compensation and reimbursement to the guardian may be approved and paid by the conservator in the discretion of the court.

(2) Subject to court approval, a conservator may be awarded reasonable compensation for services and reimbursement for appropriate expenses from the property of the ward in the discretion of the court.

(3) In determining reasonable compensation for a guardian or conservator, the court shall consider:

(a) The necessity and quality of the services provided;

(b) The experience, training, professional standing, and skills of the guardian or conservator;

(c) The difficulty of the services performed, including the degree of skill and care required;

(d) The conditions and circumstances under which a service was performed, including whether the service was provided outside regular business hours or under dangerous or extraordinary conditions;

(e) The effect of the services on the ward;

(f) The extent to which the services provided were or were not consistent with the guardian's plan under Section 315 or conservator's plan under Section 419; and

(g) The fees customarily paid to a person that performs a like service in the community.

(4) A guardian or conservator need not use personal funds of the guardian or conservator for the expenses of the ward.

(5) If a ward seeks to modify or terminate the guardianship or conservatorship or remove the guardian or conservator, the court may order compensation to the guardian or conservator for time spent opposing modification, termination, or removal only to the extent the court determines the opposition was reasonably necessary to protect the interest of the ward.

Section 120. Liability of guardian or conservator for act of ward. A guardian or conservator is not personally liable to another person solely because of the guardianship or conservatorship for an act or omission of the ward.

Section 121. Petition after appointment for instruction or ratification. (1) A guardian or conservator may petition the court for instruction concerning fiduciary responsibility or ratification of a particular act related to the guardianship or conservatorship.

(2) On notice and hearing on a petition under subsection (1), the court may give an instruction and issue an appropriate order.

Section 122. Third-party acceptance of authority of guardian or conservator. (1) A person may choose to not recognize the authority of a guardian or conservator to act on behalf of a ward if:

(a) The person has actual knowledge or a reasonable belief that the letters of guardianship or conservatorship are invalid or the conservator or guardian is exceeding or improperly exercising authority granted by the court; or

(b) The person has actual knowledge that the ward is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(2) A person may refuse to recognize the authority of a guardian or conservator to act on behalf of a ward if:

(a) The guardian's or conservator's proposed action would be inconsistent with this act; or

(b) The person makes, or has actual knowledge that another person has made, a report to a government agency providing protective services to adults or children stating a good-faith belief that the ward is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(3) A person that refuses to accept the authority of a guardian or conservator in accordance with subsection (2) may report the refusal and the reason for refusal to the court. The court on receiving the report shall consider whether removal of the guardian or conservator or other action is appropriate.

(4) A guardian or conservator may petition the court to require a third party to accept a decision made by the guardian or conservator on behalf of the ward.

Section 123. Temporary substitute guardian or conservator. (1) The court may appoint a temporary substitute guardian or conservator for a ward in the discretion of the court.

(2) Except as otherwise ordered by the court, a temporary substitute guardian or temporary substitute conservator appointed under this section has the powers stated in the order of appointment of the guardian or conservator. The authority of the existing guardian or conservator is suspended for as long as the temporary substitute guardian or conservator has authority.

(3) Notice of appointment of a temporary substitute guardian or temporary substitute conservator shall be given to the ward and all interested parties as directed by the court.

(4) The court may remove a temporary substitute guardian or temporary substitute conservator at any time. The temporary substitute guardian or temporary substitute conservator must make any report the court requires.

Section 124. Registration of order; effect. (1) If a guardian has been appointed in another state for an individual, and a petition for guardianship for the individual is not pending in this state, the guardian appointed in the other state, after giving notice to the appointing court, may register the guardianship order in this state by filing certified copies of the order and letters of guardianship as a foreign judgment in a court of an appropriate county of this state.

(2) If a conservator has been appointed in another state for an individual, and a petition for conservatorship for the individual is not pending in this state, the conservator appointed for the individual in the other state, after giving notice to the appointing court, may register the conservatorship in this state by filing certified copies of the order of conservatorship, letters of conservatorship, and any bond or other asset-protection arrangement required by the court as a foreign judgment in a court of a county in which property belonging to the individual is located.

(3) Upon registration under this section of a guardianship or conservatorship order from another state, the guardian or conservator may exercise in this state all powers authorized in the order except as prohibited by this act and law of this state other than this act. If the guardian or conservator is not a resident of this state, the guardian or conservator may maintain an action or proceeding in this state subject to any condition imposed by this state on an action or proceeding by a nonresident party.

(4) The court may grant any relief available under this act and law of this state other than this act to enforce an order registered under this section.

Section 125. Transition provisions. Except as otherwise provided in this chapter:

(a) This chapter applies to all guardianship and conservatorship proceedings commenced on or after January 1, 2020;

(b) This chapter applies to all guardianship and conservatorship proceedings commenced before January 1, 2020, unless the court finds that application of a particular provision of this chapter would substantially interfere with the effective conduct of the proceedings or prejudice the rights of the parties, in which case the particular provision of this chapter does not apply and the superseded law applies; and

(c) An act done before January 1, 2020, is not affected by this act.

ARTICLE 2

GUARDIANSHIP OF MINOR

Section 201. Basis for appointment of guardian for minor. (1) A person becomes a guardian for a minor only on appointment by the court.

(2) The court may appoint a guardian for a minor who does not have a guardian if the court finds the appointment is in the minor's best interest, and:

(a) Each parent of the minor, after being fully informed of the nature and consequences of guardianship, consents;

(b) All parental rights have been terminated; or

(c) There is clear and convincing evidence that no parent of the minor is willing or able to exercise the powers the court is granting the guardian.

Section 202. Petition for appointment of guardian for minor. (1) A person interested in the welfare of a minor, including the minor, may petition for appointment of a guardian for the minor.

(2) A petition under subsection (1) must comply with the requirement for an affidavit under the Uniform Child Custody Jurisdiction and Enforcement Act (Title 93, Chapter 27, Mississippi Code of 1972) and must also include:

(a) The name and address of any attorney for the parents of the minor;

(b) The reason guardianship is sought and would be in the best interest of the minor;

(c) The name and address of any proposed guardian and the reason the proposed guardian should be selected; and

(d) If the minor has property other than personal effects, a general statement of the minor's property with an estimate of its value.

(3) Notice of a hearing on a petition filed after the appointment of a guardian which seeks an order under this article, together with a copy of the petition, must be given to the respondent, the guardian, and any other person the court determines.

Section 203. Notice of hearing for appointment of guardian for minor. (1) If a petition is filed under Section 202, the court must set a date, time and place for a hearing, and the petitioner must serve not less than seven (7) days' notice of the hearing, together with a copy of the petition, on each of the following who is not the petitioner:

(a) The minor, if the minor will be fourteen (14) years of age or older at the time of the hearing;

(b) Each parent of the minor who can be found with reasonable diligence or, if there is none, the adult nearest in kinship who can be found with reasonable diligence;

(c) Any adult with whom the minor resides;

(d) Each individual who had primary care or custody of the minor for at least sixty (60) days during the six (6) months immediately before the filing of the petition; and

(e) Any other person the court determines should receive service of notice.

(2) A petition under this article must state the name and address of an attorney representing the petitioner, if any, and must set forth under the style of the case and before the body of the petition the following language in bold or highlighted type:

"THE RELIEF SOUGHT HEREIN MAY AFFECT YOUR LEGAL RIGHTS. YOU HAVE A RIGHT TO NOTICE OF ANY HEARING ON THIS PETITION, TO ATTEND ANY SUCH HEARING, AND TO BE REPRESENTED BY AN ATTORNEY."

(3) If a petitioner is unable to serve notice under subsection (1)(a), the court may appoint a guardian ad litem for the minor for the purpose of receiving notice.

Section 204. Attorney for minor. The court may appoint an attorney to represent a minor who is the subject of a proceeding under Section 202 if:

(a) Requested by the minor who is fourteen (14) years of age or older;

(b) Recommended by a guardian ad litem; or

(c) The court determines the minor needs representation.

Section 205. Rights at hearing. (1) The court shall require a minor who is the subject of a hearing for appointment of a guardian to attend the hearing and allow the minor to participate in the hearing unless the court determines, by clear and convincing evidence presented at the hearing or at a separate hearing, that:

(a) The minor consistently and repeatedly refused to attend the hearing after being fully informed of the right to attend and, if the minor is fourteen (14) years of age or older, the potential consequences of failing to do so;

(b) There is no practicable way for the minor to attend the hearing;

(c) The minor lacks the ability or maturity to participate meaningfully in the hearing; or

(d) Attendance would be harmful to the minor.

(2) Unless excused by the court for good cause shown, the person proposed to be appointed as guardian for a minor must attend a hearing for appointment of a guardian.

(3) Each parent of a minor who is the subject of a hearing for appointment of a guardian has the right to attend the hearing.

Section 206. Order on appointment; limited guardianship for minor. (1) After a hearing under Section 202, the court may appoint a guardian for a minor, dismiss the proceeding, or take other appropriate action consistent with this act or law of this state other than this act.

(2) In appointing a guardian under subsection (1), the following apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a will or other record unless the court finds the appointment is contrary to the best interest of the minor.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under paragraph (a) or (b), the court shall appoint the person nominated by the minor if the minor is fourteen (14) years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which may include contact or visitation with the minor,

decision-making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(a) The location of the minor's residency has changed;

(b) The court has modified or limited the powers of the guardian; or

(c) The court has removed the guardian.

Section 207. Emergency guardian for minor. (1) On a petition by a person interested in a minor's welfare or a petition filed under Section 202, the court may appoint an emergency guardian for the minor if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare; and

(b) No other person appears to have authority and willingness to act in the circumstances.

(2) The duration of authority of an emergency guardian for a minor may not exceed sixty (60) days, and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended one (1) time for not more than sixty (60) days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) continue.

(3) Except as otherwise provided in subsection (4), reasonable notice of the date, time, and place of a hearing on a petition for appointment of an emergency guardian for a minor must be given to:

(a) The minor, if the minor is fourteen (14) years of age or older;

(b) Any attorney appointed under Section 204;

(c) Each parent of the minor;

(d) Any person, other than a parent, having care or custody of the minor; and

(e) Any other person the court determines.

(4) The court may appoint an emergency guardian for a minor under subsection (3) without notice or a hearing only if the court finds from an affidavit or testimony that the minor's health, safety, or welfare will be substantially harmed before a hearing after notice of the appointment could be held. If the court appoints an emergency guardian to an unrepresented minor or the attorney for a represented minor without notice, notice of the appointment must be given not later than forty-eight (48) hours after the appointment to the individuals listed in subsection (3). The court must hold a hearing on continuation of a guardianship within five (5) days of any objection or other contest. Not later than five (5) days after the appointment, the court must hold a hearing on the appropriateness of the appointment.

(5) Appointment of an emergency guardian under this section, with or without notice, is not a determination that a basis exists for appointment of a guardian under Section 201.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian must make any report the court requires.

Section 208. Duties of guardian for minor. (1) A guardian for a minor is a fiduciary. Except as otherwise limited by the court, a guardian for a minor has the duties and responsibilities of a parent regarding the minor's support, care, education, health, safety, and welfare. A guardian must act in the minor's best interest and exercise reasonable care, diligence, and prudence.

(2) A guardian for a minor must:

(a) Become personally acquainted with the minor and maintain sufficient contact with the minor to know and report to the court the minor's abilities, limitations, needs, opportunities, and physical and mental health;

(b) Take reasonable care of the minor's personal effects and bring a proceeding for a conservatorship if necessary to protect other property of the minor;

(c) Expend funds of the minor that have been received by the guardian for the minor's current needs for support, care, education, health, safety, and welfare;

(d) Conserve any funds of the minor not expended under paragraph (c) for the minor's future needs, but if a conservator is appointed for the minor, pay the funds as directed by the court to the conservator to be conserved for the minor's future needs;

(e) Report the condition of the minor and account for funds and other property of the minor in the guardian's possession or subject to the guardian's control, as required by court rule or ordered by the court on application of a person interested in the minor's welfare;

(f) Inform the court of any change in the minor's dwelling or address; and

(g) In determining what is in the minor's best interest, take into account the minor's preferences to the extent actually known or reasonably ascertainable by the guardian.

Section 209. Powers of guardian for minor. (1) Except as otherwise limited by court order, a guardian of a minor has the powers a parent otherwise would have regarding the minor's support, care, education, health, safety, and welfare.

(2) Except as otherwise limited by court order, a guardian for a minor may:

(a) Apply for and receive funds up to the amount set forth in Section 431 and benefits otherwise payable for the support of the minor to the minor's parent, guardian, or custodian under a statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship.

(b) Unless inconsistent with a court order entitled to recognition in this state, take custody of the minor and establish the minor's place of dwelling and, on authorization of the court, establish or move the minor's dwelling outside this state.

(c) If the minor is not subject to conservatorship, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the minor or make a payment for the benefit of the minor;

(d) Consent to health or other care, treatment, or service for the minor; or

(e) To the extent reasonable, delegate to the minor responsibility for a decision affecting the minor's well-being.

(3) The court may authorize a guardian for a minor to consent to the adoption of the minor if the minor does not have a parent.

(4) A guardian for a minor may consent to the marriage of the minor if authorized by the court.

Section 210. Removal of guardian for minor; termination of guardianship; appointment of successor. (1) Guardianship for a minor under this act terminates:

(a) On the minor's death, adoption, emancipation, attainment of majority, or on a date set by the court; or

(b) When the court finds that the standard in Section 201 for appointment of a guardian is not satisfied, unless the court finds that:

(i) Termination of the guardianship would be harmful to the minor; and

(ii) The minor's interest in the continuation of the guardianship outweighs the interest of any parent of the minor in restoration of the parent's right to make decisions for the minor.

(2) A ward or any party may petition the court to terminate the guardianship, modify the guardianship, remove the guardian and appoint a successor guardian.

(3) A petitioner under subsection (2) must give notice of the hearing on the petition to the minor, if the minor is fourteen (14) years of age or older and is not the petitioner, and to the guardian, each parent of the minor, and any other person the court determines.

(4) Not later than thirty (30) days after appointment of a successor guardian for a minor, notice must be given of the appointment to the ward, if the minor is fourteen (14) years of age or older, to each parent of the minor, and to any other person the court determines.

(5) When terminating a guardianship for a minor under this section, the court may issue an order providing for transitional arrangements that will assist the minor with a transition of custody and that is in the best interest of the minor.

(6) A guardian for a minor who is removed must cooperate with a successor guardian to facilitate transition of the

guardian's responsibilities and protect the best interest of the minor.

ARTICLE 3

GUARDIANSHIP OF ADULT

Section 301. Basis for appointment of guardian for adult.

(1) The court may appoint a guardian for an adult when the respondent lacks the ability to meet essential requirements for physical health, safety or self-care because:

(a) The adult is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services or technological assistance; or

(b) The adult is found to be a person with mental illness or a person with an intellectual disability as defined in Section 41-21-61 who is also incapable of taking care of his or her person.

(2) The court shall grant to a guardian appointed under subsection (1) only those powers necessitated by the limitations and demonstrated needs of the ward and must enter orders that will encourage the development of the ward's maximum self-determination and independence. The court must consider any less restrictive alternative that would meet the needs of the ward.

Section 302. Petition for appointment of guardian for adult.

(1) A proceeding under this article may be instituted by the chancellor or clerk of the chancery court, any relative or friend of the adult, or any other interested party, including the adult

for whom the order is sought, by filing a sworn petition in the chancery court of the county of the residence of the adult, setting forth that the adult is alleged to be in need of a guardianship.

(2) The petition must state the name and address of an attorney representing the petitioner, if any, and must set forth under the style of the case and before the body of the petition the following language in bold or highlighted type:

"THE RELIEF SOUGHT HEREIN MAY AFFECT YOUR LEGAL RIGHTS. YOU HAVE A RIGHT TO NOTICE OF ANY HEARING ON THIS PETITION, TO ATTEND ANY SUCH HEARING, AND TO BE REPRESENTED BY AN ATTORNEY."

Section 303. Notice of hearing for appointment of guardian for adult. (1) On receipt of a petition under Section 302 for appointment of a guardian for a respondent who is an adult, the court must set a date, time and place for a hearing, and shall cause not less than seven (7) days' notice thereof to be given to the adult for whom the guardian is to be appointed, except that the court may, for good cause shown, direct that a shorter notice be given.

(2) In a proceeding on a petition under Section 302, notice of the hearing must also be given to any of the persons required to be listed in the petition under subsection (3) and any other person the court determines is entitled to notice. Failure to give notice does not preclude the court from appointing a guardian.

(3) Unless the court finds that the adult for whom the guardian is to be appointed is competent and joins in the petition, the notice shall also be given to:

(a) Any conservator appointed to the respondent; and

(b) The following persons, listed in order of preference, so that personal service is had on the person for whom the guardian is to be appointed and on at least one (1) relative who resides in Mississippi, other than the petitioner:

(i) Each of the spouse, children, parents and siblings of the adult for whom the guardian is to be appointed, but if none of those can be found, then to:

(ii) One (1) adult relative of the person for whom the guardian is to be appointed who is not the petitioner and who resides in Mississippi if that relative is within the third degree of kinship. If no relative within the third degree of kinship to the person for whom the guardian is to be appointed is found residing in the State of Mississippi, the court shall either designate some other appropriate person to receive the notice or appoint a guardian ad litem to receive notice.

(4) If the person for whom the guardian is to be appointed is entitled to any benefit, estate or income paid or payable by or through the Veterans' Administration of the United States government, such administration must also be given notice.

(5) Notice of a hearing on a petition seeking an order under this article that is filed after the appointment of a guardian,

together with a copy of the petition, must be given to the respondent, the guardian, and any other person the court determines.

Section 304. Appointment of guardian ad litem. The court may appoint a guardian ad litem to any respondent and allow suitable compensation payable out of the estate of the respondent, but the appointment shall not be made except when the court considers it necessary for the protection of the interest of the respondent; a judgment of any court is not void or erroneous for failure to have a guardian ad litem.

Section 305. Professional evaluation. (1) The chancery court must conduct a hearing to determine whether a guardian is needed for the respondent. Before the hearing, the court, in its discretion, may appoint a guardian ad litem to look after the interest of the person in question; the guardian ad litem must be present at the hearing and present the interests of the respondent for whose person a guardian is to be appointed.

(2) The chancery judge shall be the judge of the number and character of the witnesses and proof to be presented, except that the proof must include certificates made after a personal examination of the respondent by the following professionals, each of whom shall make in writing a certificate of the result of that examination to be filed with the clerk of the court and become a part of the record of the case

(a) Two (2) licensed physicians; or

(b) One (1) licensed physician and either one (1) licensed psychologist, nurse practitioner, or physician's assistant.

(3) The personal examination may occur face-to-face or via telemedicine, but any telemedicine examination must be made using an audio-visual connection by a physician licensed in this state and as defined in Section 83-9-351. A nurse practitioner or physician assistant conducting an examination shall not also be in a collaborative or supervisory relationship, as the law may otherwise require, with the physician conducting the examination. A professional conducting an examination under this section may also be called to testify at the hearing.

Section 306. Rights at hearing. (1) At a hearing held under Section 303, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses; and

(c) Otherwise participate in the hearing.

(2) Unless excused by the court for good cause shown, a proposed guardian must attend a hearing under Section 303.

(3) A hearing under Section 303 must be closed upon request of the respondent and a showing of good cause.

(4) Any person may request to participate in a hearing under Section 303. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent

will be served. The court may impose appropriate conditions on the person's participation.

Section 307. Confidentiality of records. (1) An adult subject to a proceeding for a guardianship, an attorney designated by the adult, and a person entitled to notice either under Section 309(4) or a court order may access court records of the proceeding and resulting guardianship, including the guardian's plan under Section 315 and guardian's well-being report under Section 316. A person not otherwise entitled to access court records under this subsection may petition the court for access to court records of the guardianship, including the guardian's report and plan, for good cause. The court shall grant access if access is in the best interest of the respondent or ward or furthers the public interest and does not endanger the welfare or financial interests of the respondent or ward.

(2) A report under Section 304 of a guardian ad litem or a professional evaluation under Section 305 may be considered confidential and may be sealed on filing when determined necessary by the court. If the court finds the file should be sealed, the file will remain available to:

(a) The court;

(b) The individual who is the subject of the report or evaluation, without limitation as to use;

(c) The petitioner, guardian ad litem, and petitioner's and respondent's attorneys, for purposes of the proceeding;

(d) Unless the court orders otherwise, an agent appointed under a power of attorney for health care or power of attorney for finances in which the respondent is the principal; and

(e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

Section 308. Who may be guardian for adult. (1) Appointment of a guardian for an adult will be at the discretion of the court and in the best interest of the respondent. If two (2) or more persons have requested responsibility as guardian for the adult, the court shall select as guardian the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, including any designation made in a will, durable power of attorney, or health-care directive, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a guardian successfully. The court, acting in the best interest of the respondent, may decline to appoint as guardian a person requesting such an appointment.

(2) If a qualified guardian under this section cannot be determined, or if other circumstances arise where the court determines that a guardian must instead be appointed, the court, at its discretion, may appoint the chancery court clerk for the

county in which the proceedings were filed, to serve as the respondent's guardian. The chancery court clerk shall serve in the capacity ordered by the court unless a conflict of interest arises or the clerk presents circumstances where the court determines the clerk's recusal from appointment is permitted.

(3) A person that provides paid services to the respondent, or an individual who is employed by a person who provides paid services to the respondent or is the spouse, parent, or child of an individual who provides or is employed to provide paid services to the respondent, may not be appointed as guardian unless:

(a) The individual is related to the respondent by blood, marriage, or adoption; or

(b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(4) An owner, operator, or employee of a long-term-care institution at which the respondent is receiving care may not be appointed as guardian unless the owner, operator, or employee is related to the respondent by blood, marriage, or adoption.

Section 309. Order on appointment of guardian. (1) A court order appointing a guardian for an adult must:

(a) Include a specific finding that clear and convincing evidence established that the identified needs of the respondent cannot be met by a less restrictive alternative, including use of appropriate supportive services and technological assistance; and

(b) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition.

(2) A court order establishing a full guardianship for an adult must state the basis for granting a full guardianship and include specific findings that support the conclusion that a limited guardianship would not meet the functional needs of the ward.

(3) A court order establishing a limited guardianship for an adult must state the specific powers granted to the guardian.

(4) The court, as part of an order establishing a guardianship for an adult, must identify and include the contact information for any person that subsequently is entitled to:

(a) Notice of the rights of the adult under Section 310(2);

(b) Notice of a change in the primary dwelling of the adult;

(c) Notice that the guardian has delegated:

(i) The power to manage the care of the adult;

(ii) The power to make decisions about where the adult lives;

(iii) The power to make major medical decisions on behalf of the adult;

(iv) A power that requires court approval under Section 314; or

(v) Substantially all powers of the guardian;

(d) A copy of the guardian's plan under Section 315 and the guardian's well-being report under Section 316;

(e) Access to court records relating to the guardianship;

(f) Notice of the death or significant change in the condition of the adult;

(g) Notice that the court has limited or modified the powers of the guardian; and

(h) Notice of the removal of the guardian.

(5) A spouse and adult children of a ward are entitled to notice under Section 303(3) unless the court determines notice would be contrary to the preferences or prior directions of the ward or not in the best interest of the ward.

(6) (a) If the chancellor finds from the evidence that the adult is incapable of taking care of his person, the chancellor shall appoint a guardian over the person.

(b) The costs and expenses of the proceedings shall be paid out of the estate of the person if a guardian is appointed. If a guardian is appointed and the adult has no estate, or if no guardian is appointed, then the costs and expenses must be paid by the person instituting the proceedings.

Section 310. Notice of order of appointment; rights. (1) A guardian appointed under Section 309 must give the ward and all other persons given notice under Section 309(4) a copy of the order of appointment, together with notice of the right to request termination or modification. The order and notice must be given not later than fourteen (14) days after the appointment.

(2) Not later than fourteen (14) days after appointment of a guardian under Section 309, the guardian must request from the court a statement of the rights of the ward and must give the statement to the ward and any other person entitled to notice under Section 303(3) or a court order. The statement must notify the ward of the right to:

(a) Seek termination or modification of the guardianship, or removal of the guardian, and choose an attorney to represent the adult in these matters;

(b) Be involved in decisions affecting the adult, including decisions about the adult's care, dwelling, activities, or social interactions, to the extent reasonably feasible;

(c) Be involved in health-care decision-making to the extent reasonably feasible and supported in understanding the risks and benefits of health-care options to the extent reasonably feasible;

(d) Be notified at least fourteen (14) days before a change in the adult's primary dwelling or permanent move to a nursing home, mental-health facility, or other facility that places restrictions on the individual's ability to leave or have visitors, unless the change or move is proposed in the guardian's plan under Section 315 or authorized by the court by specific order;

(e) Object to a change or move described in paragraph (d) and the process for objecting;

(f) Communicate, visit, or interact with others, including receiving visitors, and making or receiving telephone calls, personal mail, or electronic communications, including through social media, unless:

(i) The guardian has been authorized by the court by specific order to restrict communications, visits, or interactions;

(ii) A protective order is in effect that limits contact between the adult and a person; or

(iii) The guardian has good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological, or financial harm to the adult, and the restriction is:

1. For a period of not more than seven (7) business days if the person has a family or pre-existing social relationship with the adult; or

2. For a period of not more than sixty (60) days if the person does not have a family or pre-existing social relationship with the adult;

(g) Receive a copy of the guardian's plan under Section 315 and the guardian's well-being report under Section 316; and

(h) Object to the guardian's plan or report.

Section 311. Emergency guardian for adult. (1) On a petition by a person interested in an adult's welfare or a petition filed under Section 302, the court may appoint an emergency guardian for the adult if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the adult's physical health, safety, or welfare;

(b) No other person appears to have authority and willingness to act in the circumstances; and

(c) There is reason to believe that a basis for appointment of a guardian under Section 301 exists.

(2) The duration of authority of an emergency guardian for an adult may not exceed sixty (60) days, and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty (60) days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) continue.

(3) Except as otherwise provided in subsection (4), reasonable notice of the date, time, and place of a hearing on the petition must be given to the respondent, the respondent's attorney, and any other person the court determines.

(4) The court may appoint an emergency guardian for an adult without notice to the adult and any attorney for the adult only if the court finds from an affidavit or testimony that the respondent's physical health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without giving notice under subsection (3), the court must give notice of the appointment not later than forty-eight (48) hours after the appointment to:

(a) The respondent;

(b) The respondent's attorney;

(c) Any other person the court determines; and

(d) Hold a hearing on the appropriateness of the appointment not later than five (5) days after the appointment.

(5) Appointment of an emergency guardian under this section is not a final determination that a basis exists for appointment of a guardian under Section 301.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian must make any report the court requires.

Section 312. Duties of guardian for adult. (1) A guardian for an adult is a fiduciary. Except as otherwise limited by the court, a guardian for an adult shall make decisions regarding the support, care, education, health, and welfare of the ward to the extent necessitated by the adult's limitations.

(2) A guardian for an adult promotes the self-determination of the adult and, to the extent reasonably feasible, encourages the adult to participate in decisions, act on the adult's own behalf, and develop or regain the capacity to manage the adult's personal affairs. In furtherance of this duty, the guardian may:

(a) Become personally acquainted with the adult and maintain sufficient contact with the adult through regular visitation and other means, and to know the adult's abilities, limitations, needs, opportunities, and physical and mental health;

(b) To the extent reasonably feasible, identify the values and preferences of the adult and involve the adult in decisions affecting the adult, including decisions about the adult's care, dwelling, activities, or social interactions; and

(c) Make reasonable efforts to identify and facilitate supportive relationships and services for the adult.

(3) A guardian for an adult at all times shall exercise reasonable care, diligence, and prudence when acting on behalf of or making decisions for the adult. In furtherance of this duty, the guardian shall:

(a) Take reasonable care of the personal effects, pets, and service or support animals of the adult and bring a proceeding for a conservatorship if necessary to protect the adult's property;

(b) Expend funds and other property of the adult received by the guardian for the adult's current needs for support, care, education, health, and welfare;

(c) Conserve any funds and other property of the adult not expended under paragraph (b) for the adult's future needs, but if a conservator has been appointed for the adult, pay the funds and other property at least quarterly to the conservator to be conserved for the adult's future needs; and

(d) Monitor the quality of services, including long-term care services, provided to the adult.

(4) In making a decision for a ward, the guardian must make the decision the guardian reasonably believes the adult would make if the adult were able unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the adult. To determine the decision the ward would make if able, the guardian shall consider the adult's previous or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the guardian.

(5) If a guardian for an adult cannot make a decision under subsection (4) because the guardian does not know and cannot reasonably determine the decision the adult probably would make if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian must act in accordance with the best interest of the adult. In

determining the best interest of the adult, the guardian may consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the adult;

(b) Other information the guardian believes the adult would have considered if the adult were able to act; and

(c) Other factors a reasonable person in the circumstances of the adult would consider, including consequences for others.

(6) A guardian for an adult immediately must notify the court if the condition of the adult has changed so that the adult is capable of exercising rights previously removed.

Section 313. Powers of guardian for adult. (1) Except as limited by court order, a guardian for an adult may:

(a) Apply for and receive funds and benefits for the support of the adult, unless a conservator is appointed for the adult and the application or receipt is within the powers of the conservator;

(b) Unless inconsistent with a court order, establish the adult's place of dwelling;

(c) Consent to health or other care, treatment, or service for the adult;

(d) If a conservator for the adult has not been appointed, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the adult or pay funds for the adult's benefit;

(e) To the extent reasonable, delegate to the adult responsibility for a decision affecting the adult's well-being; and

(f) Receive personally identifiable health-care information regarding the adult.

(2) In exercising a guardian's power under subsection (1)(b) to establish the adult's place of dwelling, the guardian must:

(a) Select a residential setting the guardian believes the adult would select if the adult were able, in accordance with the decision-making standard in Section 312(4) and (5). If the guardian does not know and cannot reasonably determine what setting the ward likely would choose if able, or if the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian must choose in accordance with Section 312(5) a residential setting that is consistent with the adult's best interest;

(b) In selecting among residential settings, give priority to a residential setting in a location that will allow the adult to interact with persons important to the adult and meet the adult's needs in the least restrictive manner reasonably feasible unless to do so would be inconsistent with the decision-making standard in Section 312(4) and (5);

(c) Establish or move the permanent place of dwelling of the adult to a nursing home, mental-health facility, or other facility that places restrictions on the adult's ability to leave or have visitors only if:

(i) The establishment or move is in the guardian's plan under Section 315;

(ii) The court authorizes the establishment or move; or

(iii) The guardian gives notice of the establishment or move at least fourteen (14) days before the establishment or move to the adult and all persons entitled to notice under Section 309(4) or court order, and no objection is filed;

(d) Establish or move the place of dwelling of the adult outside this state only if consistent with the guardian's plan and authorized by the court by specific order;

(e) Take action that would result in the sale of or surrender of the lease to the primary dwelling of the adult only if:

(i) The action is specifically included in the guardian's plan under Section 315;

(ii) The court authorizes the action by specific order; or

(iii) Notice of the action was given at least fourteen (14) days before the action to the adult and all persons entitled to the notice under Section 309(4) or court order and no objection has been filed; and

(f) Notify the court that the adult's dwelling or permanent residence has become so damaged by fire, flood, or other emergency circumstance that the guardian has had to temporarily or permanently relocate the adult to another residential setting.

(3) In exercising a guardian's power under subsection (1)(c) to make health-care decisions, the guardian shall:

(a) Involve the adult in decision-making to the extent reasonably feasible, including, when practicable, by encouraging and supporting the adult in understanding the risks and benefits of health-care options;

(b) Defer to a decision by an agent under an advanced healthcare directive executed by the adult and cooperate to the extent feasible with the agent making the decision; and

(c) Take into account:

(i) The risks and benefits of treatment options; and

(ii) The current and previous wishes and values of the adult, if known or reasonably ascertainable by the guardian.

Section 314. Special limitations on guardian's power. (1) Unless authorized by the court by specific order, a guardian for an adult does not have the power to revoke or amend an advanced health-care directive or power of attorney for finances executed by the adult. If an advanced health-care directive is in effect, unless there is a court order to the contrary, a health-care decision of an agent takes precedence over that of the guardian and the guardian must cooperate with the agent to the extent feasible. If a power of attorney for finances is in effect, unless there is a court order to the contrary, a decision by the agent which the agent is authorized to make under the power of attorney for finances takes precedence over that of the guardian and the guardian must cooperate with the agent to the extent feasible.

(2) A guardian for an adult may not initiate the commitment of the adult to a mental health facility except in accordance with the state's procedure for involuntary civil commitment.

(3) A guardian for an adult may not restrict the ability of the adult to communicate, visit, or interact with others, including receiving visitors and making or receiving telephone calls, personal mail, or electronic communications, including through social media, or participating in social activities, unless:

(a) Authorized by the court by specific order;

(b) A protective order is in effect that limits contact between the adult and a person; or

(c) The guardian has good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological, or financial harm to the adult and the restriction is:

(i) For a period of not more than seven (7) business days if the person has a family or pre-existing social relationship with the adult; or

(ii) For a period of not more than sixty (60) days if the person does not have a family or pre-existing social relationship with the adult.

Section 315. Guardian's plan. (1) If required by the court, a guardian must file with the court a plan for the care of the adult no later than ninety (90) days after the court's order of appointment or order to file a plan. If a plan is required and there is a significant change in circumstances, or if the guardian seeks to deviate significantly from the guardian's plan, a guardian must file with the court a revised plan no later than ninety (90) days after the change in circumstances or decision to deviate from the plan. Every plan must be based on the needs of the adult and take into account the best interest of the adult as well as the adult's preferences, values, and prior directions, to the extent known to or reasonably ascertainable by the guardian. Along with other items determined necessary by the court, the guardian's plan must include:

(a) The living arrangement, services, and supports the guardian expects to arrange, facilitate, or continue for the adult;

(b) Social and educational activities the guardian expects to facilitate on behalf of the adult;

(c) Any person with whom the adult has a close personal relationship or relationship involving regular visitation and any plan the guardian has for facilitating visits with the person;

(d) The anticipated nature and frequency of the guardian's visits and communication with the adult;

(e) Goals for the adult, including any goal related to the restoration of the adult's rights, and how the guardian anticipates achieving the goals;

(f) Whether the adult has an existing plan and, if so, whether the guardian's plan is consistent with the adult's plan; and

(g) A statement or list of the amount the guardian proposes to charge for each service the guardian anticipates providing to the adult.

(2) A guardian must give reasonable notice of the filing of the guardian's plan under subsection (1), and a copy of the plan, to the adult ward, the adult ward's spouse, parents, children, and any other person the court determines. The notice must include a statement of the right to object to the plan and be given not later than fourteen (14) days after the filing.

(3) After the guardian's plan filed under this section is approved by the court, the guardian must provide a copy of the plan to the adult ward, the adult ward's spouse, parents, children, and any other person the court determines.

Section 316. Guardian's well-being report; monitoring of guardianship. (1) If there is a significant change in circumstances, or if the guardian seeks to deviate significantly from the guardian's plan, a guardian must file with the court a report in a record regarding the condition of the adult and accounting for funds and other property in the guardian's possession or subject to the guardian's control within ninety (90) days after being so ordered by the court.

(2) A report under subsection (1) must state:

(a) The mental, physical, and social condition of the adult;

(b) The living arrangements of the adult during the reporting period;

(c) A summary of any technological assistance, medical services, educational and vocational services, and other supports and services provided to the adult and the guardian's opinion as to the adequacy of the adult's care;

(d) A summary of the guardian's visits with the adult, including the dates of the visits;

(e) Action taken on behalf of the adult;

(f) The extent to which the adult has participated in decision-making;

(g) If the adult is living in a mental health facility or living in a facility that provides the adult with health-care or other personal services, whether the guardian considers the facility's current plan for support, care, treatment, or habilitation consistent with the adult's preferences, values, prior directions, and best interest;

(h) Any business relation the guardian has with a person the guardian has paid or that has benefited from the property of the adult;

(i) A copy of the guardian's most recently approved plan under Section 315 and a statement whether the guardian has deviated from the plan and, if so, how the guardian has deviated and why;

(j) Plans for future care and support of the adult;

(k) A recommendation as to the need for continued guardianship and any recommended change in the scope of the guardianship, when determined applicable by the court;

(l) Whether any co-guardian or successor guardian appointed to serve when a designated event occurs is alive and able to serve;

(m) Photographs of the adult ward and the adult ward's living conditions, as required by the court at its discretion; and

(n) Any amounts requested for reimbursement by the guardian of fees related to the administration of the guardianship or legal fees incurred for matters related to the guardianship.

(3) The court may appoint a guardian ad litem to review a report submitted under this section or any guardian's plan

submitted under Section 315, interview the guardian or ward, or investigate any other matter involving the guardianship.

(4) Notice of the filing under this section of a guardian's well-being report, together with a copy of the report, must be given to the adult ward, the adult ward's spouse, parents, children, and any other person the court determines. The notice and report must be delivered not later than fourteen (14) days after the filing.

(5) The court must establish procedures for monitoring a report submitted under this section and review each report at least annually to determine whether:

(a) The report provides sufficient information to establish if the guardian has complied with the guardian's duties;

(b) The guardianship should continue; and

(c) The guardian's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a guardian for an adult has not complied with the guardian's duties or the guardianship should be modified or terminated, the court:

(a) Shall notify the adult ward, the adult ward's spouse, parents, children, and persons entitled to notice under Section 309(4) or a court order;

(b) May appoint a guardian ad litem to interview the adult or guardian or investigate any matter involving the guardianship; and

(c) May hold a hearing to consider removal of the guardian, termination of the guardianship, or a change in the powers granted to the guardian or terms of the guardianship.

(7) A guardian for an adult may petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

Section 317. Removal of guardian for adult; appointment of successor. (1) Upon petition and for good cause shown, the court may hold a hearing to consider whether to remove a guardian for an adult for failure to perform the guardian's duties and appoint a successor guardian to assume the duties of guardian.

(2) Notice of a petition under this section must be given to the ward, the guardian, and any other person the court determines.

(3) A ward who seeks to remove the guardian and have a successor guardian appointed has the right to choose an attorney for representation in this matter. The court shall award reasonable attorney's fees to the attorney for the adult as provided in Section 118.

(4) Not later than ten (10) days after appointing a successor guardian, the court shall give notice of the appointment to the adult ward, the adult ward's spouse, parents, children, and any person entitled to notice under a court order.

Section 318. Termination or modification of guardianship for adult. (1) Upon petition and for good cause shown, the court may hold a hearing to consider whether termination of the guardianship exists on the ground that a basis for appointment under Section 301 does not exist or termination would be in the best interest of the adult or for other good cause; or modification of the guardianship exists on the ground that the extent of protection or assistance granted is not appropriate or for other good cause.

(2) Notice of a petition under this section must be given to the ward, the guardian, and any other person the court determines.

(3) On presentation of prima facie evidence for termination of a guardianship for an adult, the court shall order termination unless it is proven that a basis for appointment of a guardian under Section 301 exists.

(4) The court shall modify the powers granted to a guardian for an adult if the powers are excessive or inadequate due to a change in the abilities or limitations of the adult, the adult's supports, or other circumstances.

(5) Unless the court otherwise orders for good cause shown, before terminating or modifying a guardianship for an adult, the court shall follow the same procedures to safeguard the rights of the adult which apply to a petition for guardianship.

(6) A ward who seeks to terminate or modify the terms of the guardianship has the right to choose an attorney for representation in the matter. The court shall award reasonable

attorney's fees to the attorney for the adult as provided in Section 118.

ARTICLE 4

CONSERVATORSHIP

Section 401. Basis for appointment of conservator. (1) **For a minor.** The court may appoint a conservator for the property or financial affairs of a minor if the court finds by clear and convincing evidence that appointment of a conservator is in the minor's best interest, and:

(a) If the minor has a parent, the court gives weight to any recommendation of the parent whether an appointment is in the minor's best interest; and

(b) Either:

(i) The minor owns funds or other property requiring management or protection that otherwise cannot be provided;

(ii) The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(iii) Appointment is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor.

(2) **For an adult.** The court may appoint a conservator for the property or financial affairs of an adult if the court finds by clear and convincing evidence that:

(a) The adult is unable to manage property or financial affairs because:

(i) Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services or technological assistance;

(ii) The adult is missing, detained, incarcerated, or unable to return to the United States;

(b) Appointment is necessary to:

(i) Avoid harm to the adult or significant dissipation of the property of the adult; or

(ii) Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or of an individual entitled to the adult's support; and

(c) The respondent's identified needs cannot be met by a less restrictive alternative.

(3) The court shall grant a conservator only those powers necessitated by demonstrated limitations and needs of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full conservatorship if a limited conservatorship or other less restrictive alternative would meet the needs of the respondent.

Section 402. Petition for appointment of conservator; notice. (1) A person interested in the estate, financial affairs, or welfare of the individual, including a person that would be adversely affected by lack of effective management of property or financial affairs of the individual, may petition for the appointment of a conservator for the individual.

(2) The proceeding may be instituted by the chancellor or clerk of the chancery court, any relative or friend of the individual, or any other interested party, including the individual for whom the order is sought, by filing a sworn petition in the chancery court of the residence of the individual setting forth that the individual is alleged to be in need of a conservatorship.

(3) The petition must state the name and address of an attorney representing the petitioner, if any, and must set forth under the style of the case and before the body of the petition the following language in bold or highlighted type:

"THE RELIEF SOUGHT IN THIS PETITION MAY AFFECT YOUR LEGAL RIGHTS. YOU HAVE A RIGHT TO NOTICE OF ANY HEARING ON THIS PETITION, TO ATTEND ANY HEARING, AND TO BE REPRESENTED BY AN ATTORNEY."

Section 403. Notice and hearing for appointment of conservator. (1) On receipt of a petition under Section 402 for appointment of a conservator for a respondent, the court must set a date, time, and place for a hearing on the petition and shall cause not less than seven (7) days' notice thereof to be given to the person for whom the conservator is to be appointed, except that the court may, for good cause shown, direct that a shorter notice be given.

(2) In a proceeding on a petition under Section 402, notice of the hearing also must be given to any of the persons required to be listed in the petition under subsection (3) and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from appointing a conservator.

(3) Unless the court finds that the respondent for whom the conservator is to be appointed is competent and joins in the petition, the notice shall also be given to the following persons, listed in order of preference, so that personal service is had on the person for whom the conservator is to be appointed and on at least one (1) relative who resides in Mississippi, other than the petitioner:

(i) Each of the spouse, children, parents and siblings of the respondent for whom the conservator is to be appointed, but if none of those can be found, then to:

(ii) One (1) adult relative of the person for whom the conservator is to be appointed who is not the petitioner and who resides in Mississippi if that relative is within the third degree of kinship. If no relative within the third degree of kinship to the person for whom the conservator is to be appointed is found residing in the State of Mississippi, the court must either designate some other appropriate person to receive the notice or appoint a guardian ad litem to receive notice.

(4) If the person for whom the conservator is to be appointed is entitled to any benefit, estate or income paid or payable by or through the Veterans' Administration of the United States government, such administration shall also be given notice.

(5) Notice of a hearing on a petition seeking an order under this article that is filed after the appointment of a conservator, together with a copy of the petition, must be given to the respondent, the conservator, and any other person the court determines.

Section 404. Order to preserve or apply property while proceeding pending. While a petition under Section 402 is pending, after preliminary hearing and without notice to others, the court may issue an order to preserve and apply property of the respondent as required for the support of the respondent or an individual who is in fact dependent on the respondent.

Section 405. Appointment and role of guardian ad litem. The court may appoint a guardian ad litem to any respondent and allow suitable compensation payable out of the estate of the respondent, but the appointment shall not be made unless the court considers it necessary for the protection of the interest of the respondent; a judgment of any court is not void or erroneous because of the failure to have a guardian ad litem.

Section 406. Appointment of attorney. If the respondent in a proceeding for appointment of a conservator is not represented by an attorney, the court, in its discretion, may appoint an attorney to represent the respondent.

Section 407. Professional evaluation. (1) The chancery court must conduct a hearing to determine whether a conservator is needed for the respondent. Before the hearing, the court, in its discretion, may appoint a guardian ad litem to look after the interest of the person in question, and the guardian ad litem must be present at the hearing and present the interests of the respondent.

(2) The chancery judge shall be the judge of the number and character of the witnesses and proof to be presented, except that the proof must include certificates made after a personal examination of the respondent by the following professionals, each of whom must make in writing a certificate of the result of that examination to be filed with the clerk of the court and become a part of the record of the case

(a) Two (2) licensed physicians; or

(b) One (1) licensed physician and either one (1) licensed psychologist, nurse practitioner, or physician's assistant.

(3) The personal examination may occur face-to-face or via telemedicine, but any telemedicine examination must be made using an audiovisual connection by a physician licensed in this state

and as defined in Section 83-9-351. A nurse practitioner or physician assistant conducting an examination shall not also be in a collaborative or supervisory relationship, as the law may otherwise require, with the physician conducting the examination. A professional conducting an examination under this section may also be called to testify at the hearing.

(4) The personal examination requirement in subsections (2) and (3) shall not apply if the respondent is missing, detained or unable to return to the United States.

Section 408. Rights at hearing. (1) At a hearing under Section 403, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses; and

(c) Otherwise participate in the hearing.

(2) Unless excused by the court for good cause, a proposed conservator must attend a hearing under Section 403.

(3) A hearing under Section 403 must be closed on request of the respondent and a showing of good cause.

(4) Any person may request to participate in a hearing under Section 403. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

Section 409. Confidentiality of records. (1) An individual subject to a proceeding for a conservatorship, an attorney designated by the respondent or ward, and a person entitled to notice either under Section 411(5) or court order may access court records of the proceeding and resulting conservatorship, including the conservator's plan under Section 419 and the conservator's report under Section 423. A person not otherwise entitled to access to court records under this section for good cause may petition the court for access to court records of the conservatorship, including the conservator's plan and report. The court must grant access if access is in the best interest of the respondent or ward or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(2) A report under Section 405 of a guardian ad litem or professional evaluation under Section 407 may be confidential and may be sealed on filing when determined necessary by the court. If the court finds the file should be sealed, the file shall remain available to:

(a) The court;

(b) The individual who is the subject of the report or evaluation, without limitation as to use;

(c) The petitioner, guardian ad litem and petitioner's and respondent's attorneys, for purposes of the proceeding;

(d) Unless the court directs otherwise, a person appointed under a power of attorney for finances in which the respondent is identified as the principal; and

(e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

Section 410. Who may be conservator. (1) Appointment of a conservator is at the discretion of the court, and in the best interest of the respondent. If two (2) or more persons have requested responsibility as conservator, the court shall select as conservator the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent including any designation made in a will, durable power of attorney, or health-care directive, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a conservator successfully. The court, acting in the best interest of the respondent, may decline to appoint as conservator a person requesting the appointment.

(2) If a qualified conservator cannot be determined, the court, in its discretion, may appoint the chancery court clerk or probate administrator for the county in which the proceedings were filed to serve as the respondent's conservator. The chancery court clerk or the probate administrator shall serve in the

capacity ordered by the court unless a conflict of interest arises or the clerk or the probate administrator presents circumstances where the court determines the clerk's recusal from appointment is permitted.

(3) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent or is the spouse, parent, or child of an individual who provides or is employed to provide paid services to the respondent, may not be appointed as conservator unless:

(a) The individual is related to the respondent by blood, marriage, or adoption; or

(b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(4) An owner, operator, or employee of a long-term-care institution at which the respondent is receiving care may not be appointed as conservator unless the owner, operator, or employee is related to the respondent by blood, marriage, or adoption.

Section 411. Order on appointment of conservator. (1) A court order appointing a conservator for a minor must include findings to support appointment of a conservator and, if a full conservatorship is granted, the reason a limited conservatorship would not meet the identified needs of the minor.

(2) A court order appointing a conservator for an adult must:

(a) Include a specific finding that clear and convincing evidence has established that the identified needs of the respondent cannot be met by a less restrictive alternative, including use of appropriate supportive services or technological assistance; and

(b) Include a specific finding that clear and convincing evidence established that the respondent was given proper notice of the hearing on the petition.

(3) A court order establishing a full conservatorship for an adult must state the basis for granting a full conservatorship and include specific findings to support the conclusion that a limited conservatorship would not meet the functional needs of the adult.

(4) A court order establishing a limited conservatorship must state the specific property placed under the control of the conservator and the powers granted to the conservator.

(5) The court, as part of an order establishing a conservatorship, must identify and include the contact information for any person that subsequently is entitled to:

(a) Notice of the rights of the ward under Section 412(2);

(b) Notice of a sale of or surrender of a lease to the primary dwelling of the individual;

(c) Notice that the conservator has delegated a power that requires court approval under Section 414 or substantially all powers of the conservator;

(d) Notice that the conservator will be unavailable to perform the conservator's duties for more than one (1) month;

(e) A copy of the conservator's plan under Section 419 and the conservator's report under Section 423;

(f) Access to court records relating to the conservatorship;

(g) Notice of a transaction involving a substantial conflict between the conservator's fiduciary duties and personal interests;

(h) Notice of the death or significant change in the condition of the individual;

(i) Notice that the court has limited or modified the powers of the conservator; and

(j) Notice of the removal of the conservator.

(6) If a ward is an adult, the spouse and adult children of the ward are entitled under subsection (5) to notice unless the court determines notice would be contrary to the preferences or prior directions of the ward or are not in the best interest of the ward.

(7) If a ward is a minor, each parent and adult sibling of the minor is entitled to notice under subsection (5) unless the

court determines notice would not be in the best interest of the minor.

(8) (a) If the chancellor finds from the evidence that the person is in need of a conservatorship, the chancellor must appoint a conservator over the person.

(b) The costs and expenses of the proceedings shall be paid out of the estate of the respondent if a conservator is appointed. If a conservator is not appointed, the costs and expenses shall be paid by the person instituting the proceedings.

Section 412. Notice of order of appointment; rights. (1) A conservator appointed under Section 411 must give to the ward and to all other persons given notice under Section 403 a copy of the order of appointment. The order and notice must be given not later than fourteen (14) days after the appointment.

(2) Not later than fourteen (14) days after appointment of a conservator under Section 411, the court must give to the ward, the conservator, and any other person entitled to notice under Section 411(5), a statement of the rights of the ward and procedures to seek relief if the ward is denied those rights. The statement must be in plain language, in at least sixteen-point font, and to the extent feasible, in a language in which the ward is proficient. The statement must notify the ward of the right to:

(a) Seek termination or modification of the conservatorship, or removal of the conservator, and choose an attorney to represent the individual in these matters;

(b) Participate in decision-making to the extent reasonably feasible;

(c) Receive a copy of the conservator's plan under Section 419, the conservator's inventory under Section 420, and the conservator's report under Section 423; and

(d) Object to the conservator's inventory, plan, or report.

(3) If a conservator is appointed for the reasons stated in Section 401(2)(a)(ii) and the ward is missing, notice under this section to the individual is not required.

Section 413. Emergency conservator. (1) Upon a petition by a person interested in an individual's welfare or a petition filed under Section 402, the court may appoint an emergency conservator for the individual if the court finds:

(a) Appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the individual's property or financial interests;

(b) No other person appears to have authority and willingness to act in the circumstances; and

(c) There is reason to believe that a basis for appointment of a conservator under Section 401 exists.

(2) The duration of authority of an emergency conservator may not exceed sixty (60) days and the emergency conservator may exercise only the powers specified in the order of appointment. The emergency conservator's authority may be extended once for not more than sixty (60) days if the court finds that the conditions for appointment of an emergency conservator under subsection (1) continue.

(3) Except as otherwise provided in subsection (4), reasonable notice of the date, time, and place of a hearing on the petition must be given to the respondent, the respondent's attorney, and any other person the court determines.

(4) The court may appoint an emergency conservator without notice to the respondent and any attorney for the respondent only if the court finds from an affidavit or testimony that the respondent's property or financial interests will be substantially and irreparably harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency conservator without giving notice under subsection (3), the court must give notice of the appointment not later than forty-eight (48) hours after the appointment to:

(a) The respondent;

(b) The respondent's attorney;

(c) Any other person the court determines; and

(d) Hold a hearing on the appropriateness of the appointment not later than five (5) days after the appointment.

(5) Appointment of an emergency conservator under this section is not a determination that a basis exists for appointment of a conservator under Section 401.

(6) The court may remove an emergency conservator appointed under this section at any time. The emergency conservator shall make any report the court requires.

Section 414. Powers of conservator requiring court approval. (1) Except as otherwise ordered by the court, a conservator must give notice to persons entitled to notice under Section 411(5) and receive specific authorization by the court before the conservator may exercise with respect to the conservatorship the power to:

(a) Make a gift;

(b) Sell, encumber an interest in, or surrender a lease to the primary dwelling of the ward;

(c) Convey, release, or disclaim a contingent or expectant interest in property, including marital property and any right of survivorship incident to joint tenancy or tenancy by the entireties;

(d) Exercise or release a power of appointment;

(e) Create a revocable or irrevocable trust of property of the conservatorship estate, whether or not the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the ward;

(f) Exercise a right to elect an option or change a beneficiary under an insurance policy or annuity or surrender the policy or annuity for its cash value;

(g) Exercise a right to an elective share in the estate of a deceased spouse of the ward or renounce or disclaim a property interest;

(h) Grant a creditor priority for payment over creditors of the same or higher class if the creditor is providing property or services used to meet the basic living and care needs of the ward and preferential treatment otherwise would be impermissible under Section 427(6);

(i) Make, modify, amend, or revoke the will of the ward in compliance with Section 91-5-1 et seq.;

(j) Pay premiums on any insurance policy issued on the life of the ward if the individual is a minor, the policy was issued during the lifetime of the individual's deceased parent, and the court finds the policy's continuance is warranted;

(k) Acquire or dispose of real property, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon property;

(l) Make repairs or alterations in a building or other structure, demolish any improvement, or raze an existing or erect a new wall or building if costs exceed Two Thousand Five Hundred Dollars ($2,500.00);

(m) Subdivide or develop land, dedicate land to public use, make or obtain the vacation of a plat and adjust a boundary, adjust a difference in valuation of land, exchange or partition land by giving or receiving consideration, and dedicate an easement to public use without consideration;

(n) Enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term within or extending beyond the term of the conservatorship;

(o) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or a pooling or unitization agreement;

(p) Borrow funds, with or without security, to be repaid from the conservatorship estate or otherwise;

(q) Pay or contest a claim, settle a claim by or against the conservatorship estate or the ward by compromise, arbitration, or otherwise, or release, in whole or in part, a claim belonging to the conservatorship estate to the extent the claim is uncollectible; or

(r) Bring an action, claim, or proceeding in any jurisdiction for the protection of the conservatorship estate or the conservator in the performance of the conservator's duties;

(2) In approving a conservator's exercise of a power listed in subsection (1), the court must consider the ward's prior or current directions, preferences, opinions, values, and actions, to

the extent actually known or reasonably ascertainable by the conservator. The court also must consider:

(a) The financial needs of the ward and individuals who are in fact dependent on the ward for support, and the interests of creditors of the individual;

(b) Possible reduction of income, estate, inheritance, or other tax liabilities;

(c) Eligibility for governmental assistance;

(d) The previous pattern of giving or level of support provided by the individual;

(e) Any existing estate plan or lack of estate plan of the individual;

(f) The life expectancy of the individual and the probability the conservatorship will terminate before the ward's death; and

(g) Any other relevant factor.

(3) A conservator may not revoke or amend a power of attorney for finances executed by the ward. If a power of attorney for finances is in effect, a decision of the conservator takes precedence over that of the attorney-in-fact only to the extent of the authorization granted to the conservator by court order.

Section 415. Petition for order after appointment. A ward or a person interested in the welfare of the individual may petition for an order:

(a) Requiring the conservator to furnish a bond or collateral or additional bond or collateral or allowing a reduction in a bond or collateral previously furnished;

(b) Requiring an accounting for the administration of the conservatorship estate;

(c) Directing distribution;

(d) Removing the conservator and appointing a temporary or successor conservator;

(e) Modifying the type of appointment or powers granted to the conservator, if the extent of protection or management previously granted is excessive or insufficient to meet the individual's needs, including because the individual's abilities or supports have changed;

(f) Rejecting or modifying the conservator's plan under Section 419, the conservator's inventory under Section 420, or the conservator's report under Section 423; or

(g) Granting other appropriate relief.

Section 416. Bond; oath; waiver; financial institutions; alternative asset-protection arrangement. (1) Except as otherwise provided in subsection (3), the court shall require a conservator to furnish a bond with a surety the court specifies, or require an alternative asset-protection arrangement, conditioned on faithful discharge of all duties of the conservator. The court may waive or partially waive the requirement if:

(a) The respondent is a minor and the minor's parent has waived the requirement in a valid holographic will or another instrument to take effect at the parent's death that is signed by the parent and attested by two (2) or more credible witnesses, not including the person nominated as conservator; or

(b) Part of the assets of the ward's estate are deposited in one or more banking corporations, building and loan associations or savings and loan associations ("financial institutions") in this state if the deposits are fully insured by the Federal Deposit Insurance Corporation (FDIC) and will remain on deposit in that institution until further order of the court, a certified copy or MEC-filed copy of the order for deposit having been furnished to the depository or depositories and its receipt acknowledged in a form that substantially complies with subsection (7); or

(c) The court finds that a bond or other asset-protection arrangement is not necessary to protect the interests of the individual subject to conservatorship. Except as otherwise provided in subsection (3), the court may not waive the requirement of bond or other asset-protection arrangement if the conservator is in the business of serving as a conservator and is being paid for the conservator's service.

(2) Unless the court directs otherwise, the bond required under this section must be in the amount of the aggregate capital value of the conservatorship estate, plus one (1) year's estimated

income, less the value of property deposited under an arrangement requiring a court order for its removal and real property the conservator lacks power to sell or convey without specific court authorization. The court, in place of surety on a bond, may accept collateral for the performance of the bond, including a pledge of securities or a mortgage of real property.

(3) A banking institution insured by the FDIC qualified to do trust business in this state is not required to give a bond under this section.

(4) Every bond must be filed in the records of the chancery court and may be put in suit for any breach of the condition, whether the appointment be legal or not; and the condition shall be as follows:

"The condition of the above obligation is that if the above bound, as conservator of _______________ in ____________ County shall faithfully discharge all the duties required of him by law, then the above obligation shall cease."

The conservator must also take and subscribe on oath, at or before the conservator's appointment, faithfully to discharge the duties of conservator of the ward according to law.

(5) A financial institution that substantially complies with the provisions of this article when acting as a depository of conservatorship funds is not liable to any person for so acting except for willful default, gross negligence or malfeasance.

(6) A financial institution that acts as a depository of the funds may charge a fee for servicing the account.

(7) ACKNOWLEDGMENT OF RECEIPT OF ORDER FOR DEPOSIT AND RECEIPT OF CASH FUNDS

The Chancery Court of ______________ County, Mississippi, having rendered its order in the above-entitled and numbered cause on the ____ day of ____________, _____________, designating a banking institution insured by the Federal Deposit Insurance Corporation as the depository of the funds of ____, by and through _______________________________________, as conservator, and the conservator, having elected to use ____ (Name of Financial Institution) as the aforesaid depository, I, acting pursuant to my authority in and for said bank, do hereby acknowledge that I have received a copy of the order of the chancery court, duly certified as true and correct by the chancery clerk of _____________________ County, Mississippi, or a MEC-filed copy of the order of the chancery court. I further note that said order provides that all funds so deposited to the account shall remain on deposit until further order of the court.

Receipt is also hereby acknowledged of the funds in the amount of $__________________ in this matter.

________________________________ (Name of Financial Institution) hereby acknowledges that the funds, described above, shall not be disbursed without further order of this court.

This the _________ day of ____________, _________________.

STATE OF MISSISSIPPI

COUNTY OF _________________________

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named _____________________________ (Name of Bank Officer), who is _____________________________ (Job Title) of _____________________________ (Name of Financial Institution) and who acknowledged to me that he/she signed and delivered the above and foregoing Acknowledgment of Receipt of Order for Deposit and Receipt of Cash Funds as the act and deed of said bank, he/she being first duly authorized so to do.

Given under my hand and official seal, this the _______________ day of ____________, ____________________.

___________________________ ______________________

Notary Public My commission expires

Section 417. Terms and requirements of bond. (1) The following rules apply to the bond required under Section 416:

(a) Except as otherwise provided by the bond, the surety and the conservator are jointly and severally liable.

(b) By executing a bond provided by a conservator, the surety submits to the personal jurisdiction of the court that issued letters of office to the conservator in a proceeding relating to the duties of the conservator in which the surety is named as a party. Notice of the proceeding must be given to the surety at the address shown in the records of the court in which the bond is filed and any other address of the surety then known to the person required to provide the notice.

(c) On petition of a successor conservator or person affected by a breach of the obligation of the bond, a proceeding may be brought against the surety for breach of the obligation of the bond.

(d) A proceeding against the bond may be brought until liability under the bond is exhausted.

(2) A proceeding may not be brought under this section against a surety of a bond on a matter as to which a proceeding against the conservator is barred.

(3) If a bond under Section 416 is not renewed by the conservator, the surety or sureties immediately must give notice to the court and the attorney for the conservatorship.

Section 418. Duties of conservator. (1) A conservator is a fiduciary and has duties of prudence and loyalty to the ward.

(2) A conservator must promote the self-determination of the ward and, to the extent feasible, encourage the ward to participate in decisions, act on the ward's own behalf, and develop or regain the capacity to manage the ward's personal affairs.

(3) In making a decision for a ward, the conservator must make the decision the conservator reasonably believes the ward would make if able, unless doing so would fail to preserve the resources needed to maintain the ward's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the ward. To determine the decision the ward would make if able, the conservator must consider the ward's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator.

(4) If a conservator cannot make a decision under subsection (3) because the conservator does not know and cannot reasonably determine the decision the ward probably would make if able, or the conservator reasonably believes the decision the individual would make would fail to preserve resources needed to maintain the ward's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the ward, the conservator shall act in accordance with the best interest of the ward. In determining the best interest of the ward, the conservator shall consider:

(a) Information received from professionals and persons who demonstrate sufficient interest in the welfare of the ward;

(b) Other information the conservator believes the ward would have considered if the ward were able to act; and

(c) Other factors a reasonable person in the circumstances of the ward would consider, including consequences for others.

(5) Except when inconsistent with the conservator's duties under subsections (1) through (4), and where investments other than in FDIC-insured investments are permitted in the court's order approving the conservator's plan, a conservator must invest and manage the conservatorship estate as a prudent investor would, by considering:

(a) The circumstances of the ward and the conservatorship estate;

(b) General economic conditions;

(c) The possible effect of inflation or deflation;

(d) The expected tax consequences of an investment decision or strategy;

(e) The role of each investment or course of action in relation to the conservatorship estate as a whole;

(f) The expected total return from income and appreciation of capital;

(g) The need for liquidity, regularity of income, and preservation or appreciation of capital; and

(h) The special relationship or value, if any, of specific property to the ward.

(6) The propriety of a conservator's investment and management of the conservatorship estate is determined in light of

the facts and circumstances existing when the conservator decides or acts and not by hindsight.

(7) A conservator must make a reasonable effort to verify facts relevant to the investment and management of the conservatorship estate.

(8) A conservator that has special skills or expertise, or is named conservator in reliance on the conservator's representation of special skills or expertise, has a duty to use the special skills or expertise in carrying out the conservator's duties.

(9) In investing, selecting specific property for distribution, and invoking a power of revocation or withdrawal for the use or benefit of the ward, a conservator must consider any estate plan of the ward known or reasonably ascertainable to the conservator and may examine the will or other donative, nominative, or appointive instrument of the individual.

(10) A conservator must maintain insurance on the insurable real and personal property of the ward, unless the conservatorship estate lacks sufficient funds to pay for insurance or the court finds:

(a) The property lacks sufficient equity; or

(b) Insuring the property would unreasonably dissipate the conservatorship estate or otherwise not be in the best interest of the ward.

(11) A conservator has access to and authority over a digital asset of the ward to the extent provided by the Revised Uniform Fiduciary Access to Digital Assets Act (Title 91, Chapter 23, Mississippi Code of 1972).

(12) A conservator for an adult must notify the court if the condition of the adult has changed so that the adult has become capable of autonomy in exercising rights previously delegated to the conservator. The notice must be given immediately on learning of the change.

Section 419. Conservator's plan. (1) If required by the court, a conservator must file with the court a plan for investing, protecting, managing, expending, and distributing the assets of the conservatorship estate no later than ninety (90) days after the court's order of appointment or order to file a plan. If a plan is required and there is a significant change in circumstances, or if the conservator seeks to deviate significantly from the conservator's plan, a conservator must file with the court a revised plan no later than ninety (90) days after the change in circumstances or decision to deviate from the plan. Every plan must be based on the needs of the ward and take into account the best interest of the ward as well as the ward's preferences, values, and prior directions, to the extent known to or reasonably ascertainable by the conservator. Along with other items determined necessary by the court, the conservator's plan must include:

(a) A budget containing projected expenses and resources, including an estimate of the total amount of fees the conservator anticipates charging per year and a statement or list of the amount the conservator proposes to charge for each service the conservator anticipates providing to the individual;

(b) How the conservator will involve the individual in decisions about management of the conservatorship estate;

(c) Any step the conservator plans to take to develop or restore the ability of the ward to manage the conservatorship estate; and

(d) An estimate of the duration of the conservatorship.

(2) A conservator must give reasonable notice of the filing of the conservator's plan under subsection (1), together with a copy of the plan, to the ward, a person entitled to notice under Section 411(5) or a court order, and any other person the court determines. The notice must include a statement of the right to object to the plan and be given not later than fourteen (14) days after the filing.

(3) A ward and any person entitled under subsection (2) to receive notice and a copy of the conservator's plan may object to the plan.

(4) The court must review the conservator's plan filed under subsection (1) and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider objections made under subsection (3) and

whether the plan is consistent with the conservator's duties and powers. The court may not approve the plan until thirty (30) days after its filing.

(5) After a conservator's plan under this section is approved by the court, the conservator must provide a copy of the plan to the ward, a person entitled to notice under Section 411(5) or a court order, and any other person the court determines.

Section 420. Inventory; records. (1) Unless the inventory requirement has been waived, not later than ninety (90) days after appointment, a conservator must prepare and file with the appointing court a detailed inventory of the conservatorship estate, together with an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits.

(2) A conservator must give reasonable notice of the filing of an inventory to the ward, a person entitled to notice under Section 411(5) or a court order, and any other person the court determines. The notice must be given not later than fourteen (14) days after the filing.

(3) A conservator must keep records of the administration of the conservatorship estate and make them available for examination on reasonable request of the ward, a guardian for the ward, or any other person the conservator or the court determines.

Section 421. Administrative powers of conservator not requiring court approval. (1) Except as otherwise provided in

Section 414 or qualified or limited in the court's order of appointment and stated in the letters of conservatorship, a conservator has all powers granted in this section and any additional power granted to a trustee by law of this state other than this act.

(2) The court may authorize the conservator in a court order to execute powers not listed in Section 414 without prior specific court authorization or confirmation, including by way of illustration, but not limited to, the following:

(a) To collect, hold, and retain property, including property in which the conservator has a personal interest and real property in another state, until the conservator determines disposition of the property should be made;

(b) To receive additions to the conservatorship estate;

(c) To continue or participate in the operation of a business or other enterprise;

(d) To acquire an undivided interest in property in which the conservator, in a fiduciary capacity, holds an undivided interest;

(e) To acquire or dispose of personal property;

(f) To continue to invest assets;

(g) To deposit funds or other property in a financial institution, including one operated by the conservator;

(h) To grant an option involving disposition of property or accept or exercise an option for the acquisition of property;

(i) To vote a security, in person or by general or limited proxy;

(j) To pay a call, assessment, or other sum chargeable or accruing against or on account of a security;

(k) To sell or exercise a stock subscription or conversion right;

(l) To consent, directly or through a committee or agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

(m) To hold a security in the name of a nominee or in other form without disclosure of the conservatorship so that title to the security may pass by delivery;

(n) To insure:

(i) The conservatorship estate, in whole or in part, against damage or loss in accordance with Section 418(10); and

(ii) The conservator against liability with respect to a third person;

(o) Advance funds for the protection of the conservatorship estate or the ward and all expenses, losses, and liability sustained in the administration of the conservatorship estate or because of holding any property for which the conservator has a lien on the conservatorship estate;

(p) Pay a tax, assessment, compensation of the conservator or any guardian, and other expense incurred in the collection, care, administration, and protection of the conservatorship estate;

(q) Pay a sum distributable to the ward or an individual who is in fact dependent on the ward by paying the sum to the distributee or for the use of the distributee:

(i) To the guardian for the distributee;

(ii) To the custodian of the distributee under the Uniform Transfers to Minors Act, Section 91-20-1 et seq.; or

(iii) If there is no guardian, custodian, or custodial trustee, to a relative or other person having physical custody of the distributee;

(r) Defend an action, claim, or proceeding in any jurisdiction for the protection of the conservatorship estate or the conservator in the performance of the conservator's duties;

(s) Structure the finances of the ward to establish eligibility for a public benefit, including by making gifts consistent with the ward's preferences, values, and prior directions, if the conservator's action does not jeopardize the ward's welfare and otherwise is consistent with the conservator's duties; and

(t) Execute and deliver any instrument that will accomplish or facilitate the exercise of a power of the conservator.

Section 422. Distribution from conservatorship estate. Except as otherwise provided in Section 414 or qualified or limited in the court's order of appointment and stated in the letters of conservatorship, and unless contrary to a conservator's plan under Section 419, the conservator may expend or distribute income or principal of the conservatorship estate for the support, care, education, health, or welfare of the ward or an individual who is in fact dependent on the ward, including the payment of child or spousal support, without specific court authorization or confirmation in accordance with the following rules:

(a) The conservator shall consider a recommendation relating to the appropriate standard of support, care, education, health, or welfare for the ward or individual who is dependent on the ward, made by a guardian for the ward, if any, and, if the ward is a minor, a recommendation made by a parent of the minor. If the minor has a father or mother, the court shall determine whether the expense of maintaining and educating the minor shall be borne by the ward's estate.

(b) The conservator acting in compliance with the conservator's duties under Section 418 is not liable for an expenditure or distribution made based on a recommendation under paragraph (a) unless the conservator knows the expenditure or distribution is not in the best interest of the ward.

(c) In making an expenditure or distribution under this section, the conservator must consider:

(i) The size of the conservatorship estate, the estimated duration of the conservatorship, and the likelihood the ward, at some future time, may be fully self-sufficient and able to manage the individual's financial affairs and the conservatorship estate;

(ii) The accustomed standard of living of the ward and individual who is dependent on the ward;

(iii) Other funds or sources used for the support of the ward; and

(iv) The preferences, values, and prior directions of the ward.

(d) Funds expended or distributed under this section may be paid by the conservator to any person, including the ward, as reimbursement for expenditures the conservator might have made, or in advance for services to be provided to the ward or individual who is dependent on the ward if it is reasonable to expect the services will be performed and advance payment is customary or reasonably necessary under the circumstances.

Section 423. Conservator's report and accounting; monitoring. (1) Except as otherwise provided under subsection (11), a conservator must file a report in a record regarding the administration of the conservatorship estate with the court annually unless the court otherwise directs, if provided by will, or made necessary by resignation or removal, or termination of the conservatorship. A conservator must petition the court for approval of a report filed under this section. The court, after review, may approve the report.

(2) A report under subsection (1) must state or contain:

(a) An accounting that lists property included in the conservatorship estate and the receipts, disbursements, liabilities, and distributions during the period for which the report is made;

(b) A list of the services provided to the ward;

(c) A statement whether the conservator has deviated from the plan and, if so, how the conservator has deviated and why;

(d) A recommendation as to the need for continued conservatorship and any recommended change in the scope of the conservatorship;

(e) Anything of more than de minimis value which the conservator, any individual who resides with the conservator, or the spouse, parent, child, or sibling of the conservator has received from a person providing goods or services to the ward; and

(f) Any business relationship the conservator has with a person the conservator has paid or that has benefited from the property of the ward.

(3) The court, in its discretion, may request a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts, and mortgages or other debts of the ward with all but the last four (4) digits of the account numbers and social security number redacted;

(4) The court may appoint a guardian ad litem to review a report under this section or a conservator's plan under Section 419, to interview the ward or conservator, or to investigate any other matter involving the conservatorship. In connection with the report, the court may order the conservator to submit the conservatorship estate to appropriate examination in a manner the court directs.

(5) Reasonable notice of the filing under this section of a conservator's report, together with a copy of the report, must be provided to the ward, a person entitled to notice under Section 411(5) or a court order, and other persons the court determines. The notice and report must be given not later than fourteen (14) days after filing.

(6) The court may establish procedures for monitoring a report submitted under this section and review each report at least annually unless otherwise directed by the court. The court must consider whether:

(a) The reports provide sufficient information to establish that the conservator has complied with the conservator's duties;

(b) The conservatorship should continue; and

(c) The conservator's requested fees, if any, should be approved.

(7) If the court determines there is reason to believe a conservator has not complied with the conservator's duties or the conservatorship should not continue, the court:

(a) Shall notify the ward, the conservator, and any other person entitled to notice under Section 411(5) or a court order;

(b) May require additional information from the conservator;

(c) May appoint a guardian ad litem to interview the ward or conservator or investigate any matter involving the conservatorship; and

(d) Consistent with Sections 429 and 430, may hold a hearing to consider removal of the conservator, termination of the conservatorship, or a change in the powers granted to the conservator or terms of the conservatorship.

(8) If the court has reason to believe fees requested by a conservator are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(9) An order may be entered, after notice and consideration by the court, approving a report of a conservator filed under this section.

(10) A conservator may seek an order, after notice and hearing, approving a report filed under this section that discharges the conservator from all liabilities, claims, and causes of action by a person given notice of the report and the hearing as to a matter adequately disclosed in the report.

(11) When the funds and personal property of the ward do not exceed the sum or value of Ten Thousand Dollars ($10,000.00) and there is no foreseeable prospect of further receipt to come into the hands of the conservator other than interest thereon, or in conservatorships in which the only funds on hand or to be received by the guardian are funds paid or to be paid by a government agency providing protective services to adults or children for the benefit of the ward, the chancery court or chancellor in vacation, for good cause shown, in the chancellor's discretion and upon being satisfied it is to the best interest and welfare of the ward, may authorize the guardian to dispense with further annual accounts, except for a final account.

Section 424. Attempted transfer of property by the ward. (1) The interest of a ward in property included in the conservatorship estate is not transferrable or assignable by the ward and is not subject to levy, garnishment, or similar process for claims against the ward unless allowed under Section 427.

(2) If a ward enters into a contract after the right to enter the contract has been delegated to another by the court, the contract is void against the ward and the ward's property but is enforceable against the person that contracted with the ward.

(3) A person other than the conservator that deals with a ward with respect to property included in the conservatorship estate is entitled to protection provided by law of this state other than this act.

Section 425. Transaction involving conflict of interest. A transaction involving a conservatorship estate which is affected by a substantial conflict between the conservator's fiduciary duties and personal interests is voidable unless the transaction is authorized by court order after notice to persons entitled to notice under Section 411(5) or a court order. A transaction affected by a substantial conflict includes a sale, encumbrance, or other transaction involving the conservatorship estate entered into by the conservator, an individual with whom the conservator resides, the spouse, descendant, sibling, or attorney of the conservator, or a corporation or other enterprise in which the conservator has a substantial beneficial interest.

Section 426. Protection of person dealing with conservator. (1) A person that assists or deals with a conservator in good faith and for value in any transaction, other than a transaction requiring a court order under Section 414, is protected as though the conservator properly exercised any power in question. Mere knowledge by a person that the person is dealing with a conservator does not require the person to inquire into the existence of authority of the conservator or the propriety of the conservator's exercise of authority, but restrictions on authority stated in letters of conservatorship, or otherwise provided by law, are effective as to the person. A person that pays or delivers property to a conservator is not responsible for proper application of the property.

(2) Protection under subsection (1) extends to a procedural irregularity or jurisdictional defect in the proceeding leading to the issuance of letters of conservatorship and does not substitute for protection for a person that assists or deals with a conservator provided by comparable provisions in law of this state other than this act relating to a commercial transaction or simplifying a transfer of securities by a fiduciary.

Section 427. Presentation and allowance of claim. (1) A conservator may pay, or secure by encumbering property included in the conservatorship estate, a claim against the conservatorship estate or the ward arising before or during the conservatorship, on presentation and allowance in accordance with the priorities under subsection (5) or (6). A claimant may present a claim by filing the claim with the court, in a form acceptable to the court, and sending or delivering a copy of the claim to the conservator.

(2) A presented claim is allowed if it is not disallowed in whole or in part by the conservator in a record sent or delivered to the claimant not later than ninety (90) days after its presentation. Before payment, the conservator may change an allowance of the claim to a disallowance in whole or in part, but not after allowance under a court order or order directing payment of the claim. Presentation of a claim tolls the running of a statute of limitations that has not expired relating to the claim until thirty (30) days after disallowance of the claim.

(3) A claimant whose claim has not been paid may petition the court to determine the claim at any time before it is barred by a statute of limitations, and the court may order its allowance, payment, or security by encumbering property included in the conservatorship estate. If a proceeding is pending against the ward at the time of appointment of the conservator or is initiated after the appointment, the moving party must give the conservator notice of the proceeding if it could result in creating a claim against the conservatorship estate.

(4) If a conservatorship estate is likely to be exhausted before all existing claims are paid, the provisions of the law on proceedings to insolvency and distribution of assets of insolvent estates shall, as far as applicable and not otherwise provided, be observed and enforced.

(5) When the claims are established and the amount of assets ascertained, the court shall adjudge the pro rata share of each

claimant, deducting first the preference claims in the following order:

(a) Costs and expenses of administration;

(b) A claim of the federal or state government having priority under law other than this article;

(c) A claim incurred by the conservator for support, care, education, health, or welfare previously provided to the ward or an individual who is in fact dependent on the ward;

(d) A claim arising before the conservatorship; and

(e) All other claims.

(6) Preference may not be given in the payment of a claim under subsection (5) over another claim of the same class. A claim due and payable may not be preferred over a claim not due unless:

(a) Doing so would leave the conservatorship estate without sufficient funds to pay the basic living and health-care expenses of the ward; and

(b) The court authorizes the preference under Section 414(1)(h).

(7) If assets of a conservatorship estate are adequate to meet all existing claims, the court, acting in the best interest of the ward, may order the conservator to grant a security interest in the conservatorship estate for payment of a claim at a future date.

Section 428. Personal liability of conservator. (1) Except as otherwise agreed by a conservator, the conservator is not personally liable on a contract properly entered into in a fiduciary capacity in the course of administration of the conservatorship estate unless the conservator fails to reveal the conservator's representative capacity in the contract or before entering into the contract.

(2) A conservator may be personally liable for an obligation arising from control of property of the conservatorship estate or an act or omission occurring in the course of administration of the conservatorship estate only if the conservator is personally grossly negligent or in breach of fiduciary duty.

(3) A claim based on a contract entered into by a conservator in a fiduciary capacity, an obligation arising from control of property included in the conservatorship estate, or a tort committed in the course of administration of the conservatorship estate may be asserted against the conservatorship estate in a proceeding against the conservator in a fiduciary capacity, whether or not the conservator is personally liable for the claim.

(4) A question of liability between a conservatorship estate and the conservator personally may be determined in a proceeding for accounting, surcharge, or indemnification or another appropriate proceeding or action.

Section 429. Removal of conservator; appointment of successor. (1) The court may remove a conservator for failure to perform the conservator's duties or other good cause and appoint a successor conservator to assume the duties of the conservator.

(2) The court must hold a hearing to determine whether to remove a conservator and appoint a successor on:

(a) A petition of the ward, conservator, or person interested in the welfare of the ward that contains allegations which, if true, would support a reasonable belief that removal of the conservator and appointment of a successor may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six (6) months;

(b) Communication from the ward, conservator, or person interested in the welfare of the ward which supports a reasonable belief that removal of the conservator and appointment of a successor may be appropriate; or

(c) Determination by the court that a hearing would be in the best interest of the ward.

(3) Notice of a petition under subsection (2)(a) must be given to the ward, the conservator, and any other person the court determines.

(4) A ward who seeks to remove the conservator and have a successor appointed has the right to choose an attorney to represent the ward in this matter. If the ward is not represented

by an attorney, the court may appoint an attorney under the same conditions as in Section 406. The court may award reasonable attorney's fees to the attorney as provided in Section 118.

(5) In selecting a successor conservator, the court must follow the priorities under Section 410.

Section 430. Termination or modification of conservatorship. (1) A conservatorship must be terminated when the minor becomes an adult, becomes emancipated, or dies; the termination must comply with Section 423, but a conservatorship may continue into adulthood when the court finds the ward qualifies for conservatorship as an adult under the provisions of subsections (5) and (6).

(2) A ward, the conservator, or a person interested in the welfare of the individual may petition for:

(a) Termination of the conservatorship on the ground that a basis for appointment under Section 401 does not exist or termination would be in the best interest of the ward or for other good cause; or

(b) Modification of the conservatorship on the ground that the extent of protection or assistance granted is not appropriate or for other good cause shown.

(3) The court must hold a hearing to determine whether termination or modification of a conservatorship is appropriate on:

(a) A petition that contains allegations which, if true, would support a reasonable belief that termination or modification of the conservatorship may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed within the preceding six (6) months;

(b) A communication from the ward, conservator, or person interested in the welfare of the ward which supports a reasonable belief that termination or modification of the conservatorship may be appropriate, including because the functional needs of the ward or supports or services available to the ward have changed;

(c) A report from a guardian or conservator which indicates that termination or modification may be appropriate because the functional needs or supports or services available to the ward have changed or other less restrictive alternative is available; or

(d) A determination by the court that a hearing would be in the best interest of the ward.

(4) Notice of a petition under this section must be given to the ward, the conservator, and any other person the court determines.

(5) On presentation of prima facie evidence for termination of a conservatorship, the court must order termination unless it

is proven that a basis for appointment of a conservator under Section 401 exists.

(6) The court must modify the powers granted to a conservator if the powers are excessive or inadequate due to a change in the abilities or limitations of the ward, the ward's supports, or other circumstances.

(7) Unless the court otherwise orders for good cause, before terminating a conservatorship, the court shall follow the same procedures to safeguard the rights of the ward which apply to a petition for conservatorship.

(8) A ward who seeks to terminate or modify the terms of the conservatorship has the right to choose an attorney to represent the ward in this matter. If the ward is not represented by an attorney, the court may appoint an attorney under the same conditions as in Section 406. The court may award reasonable attorney's fees to the attorney as provided in Section 118.

(9) On termination of a conservatorship other than by reason of the death of the ward, property of the conservatorship estate passes to the ward. The order of termination must direct the conservator to file a final report and petition for discharge on approval by the court of the final report.

(10) If a ward dies testate, the conservator must deliver the will to the named representative and certify that delivery to the court. If the ward dies intestate, Section 91-7-68 governs.

Section 431. Transfer for benefit of minor without appointment of conservator. (1) Unless a person required to transfer funds or other property to a minor knows that a conservator for the minor has been appointed or a proceeding is pending for conservatorship, the person may transfer an amount or value not exceeding Twenty-five Thousand Dollars ($25,000.00) in a twelve-month period to:

(a) A person who has care or custody of the minor and with whom the minor resides;

(b) A guardian for the minor;

(c) A custodian under the Uniform Transfers to Minors Act, Section 91-20-1 et seq.; or

(d) A financial institution as a deposit in an account or certificate solely in the name of the minor; notice of the deposit must be given to the minor; or

(e) An Achieving a Better Life Experience (ABLE) account.

(2) A person that transfers funds or other property under this section is not responsible for its proper application.

(3) A person that receives funds or other property for a minor under subsection (1)(a) or (b) may apply it only to the support, care, education, health, or welfare of the minor, and may not derive a personal financial benefit from it, except for reimbursement for necessary expenses. Funds not applied for these purposes must be preserved for the future support, care,

education, health, or welfare of the minor, and the balance, if any, transferred to the minor when the minor becomes an adult or otherwise is emancipated.

(4) Contributions to an ABLE account, and the provisions for permissible disbursements from such account, are governed by 26 U.S.C. Section 529A and the terms of the applicable ABLE plan. The amount of annual contributions is subject to 26 U.S.C. Section 2503(b).

SECTION 2. Section 9-1-49, Mississippi Code of 1972, is amended as follows:

9-1-49. (1) The clerk of the court shall prepare and forward to the Department of Public Safety the information described by subsection (2) of this section not later than the thirtieth day after the date the court:

(a) Judicially determines that a person is a person with mental illness or person with an intellectual disability under Title 41, Chapter 21, Mississippi Code of 1972, whether ordered for inpatient treatment, outpatient treatment, day treatment, night treatment or home health services treatment;

(b) Acquits a person in a criminal case by reason of insanity or on a ground of intellectual disability, without regard to whether the person is ordered by a court to receive inpatient treatment or residential care under Section 99-13-7;

(c) Appoints a guardian or conservator under * * * Article 2, 3 or 4 of Section 1 of this act, based on the determination that the person is incapable of managing his own person or estate * * *;

(d) Determines that a person is incompetent to stand trial pursuant to Rule 9.06 of the Mississippi Rules of Circuit and County Court Practice;

(e) Finds under Section * * * 318 or 430 of Section 1 of this act that a person has been restored to reason; or

(f) Enters an order of relief from a firearms disability under Section 97-37-5(4).

(2) The clerk of the court shall prepare and forward the following information:

(a) The complete name, race, and sex of the person;

(b) Any known identifying number of the person, including social security number, driver's license number, or state identification card number;

(c) The person's date of birth; and

(d) The federal prohibited-person information that is the basis of the report required by this section.

(3) If practicable, the clerk of the court shall forward to the Department of Public Safety the information described by subsection (2) of this section in an electronic format prescribed by the department.

(4) If an order previously reported to the department under subsection (1) of this section is reversed by order of any court, the clerk shall notify the department of the reversal not later

than thirty (30) days after the clerk receives the court order or the mandate from the appellate court.

(5) The duty of a clerk to prepare and forward information under this section is not affected by:

(a) Any subsequent appeal of the court order;

(b) Any subsequent modification of the court order; or

(c) The expiration of the court order.

SECTION 3. Section 43-47-29, Mississippi Code of 1972, is amended as follows:

43-47-29. In addition to the powers granted under the provisions of this chapter, the department is authorized to petition the court under the provisions of Section * * * 401 or 402 of Section 1 of this act for appointment of a conservator for any vulnerable person.

SECTION 4. Section 45-9-103, Mississippi Code of 1972, is amended as follows:

45-9-103. (1) In this section, "federal prohibited-person information" means information that identifies an individual as:

(a) A person who has been judicially determined by a court as a person with mental illness or person with an intellectual disability under Title 41, Chapter 21, Mississippi Code of 1972, whether ordered for inpatient treatment, outpatient treatment, day treatment, night treatment or home health services treatment;

(b) A person acquitted in a criminal case by reason of insanity or on a ground of intellectual disability, without regard to whether the person is ordered by a court to receive inpatient treatment or residential care under Section 99-13-7;

(c) An adult individual for whom a court has appointed a guardian or conservator under * * * Article 2, 3 or 4 of Section 1 of this act based on the determination that the person is incapable of managing his own person or estate * * *; or

(d) A person determined to be incompetent to stand trial by a court pursuant to Rule 9.06 of the Mississippi Rules of Circuit and County Court Practice.

(2) The Department of Public Safety by rule shall establish a procedure to provide federal prohibited-person information to the Federal Bureau of Investigation for use with the National Instant Criminal Background Check System. Except as otherwise provided by state law, the department may disseminate federal prohibited-person information under this subsection only to the extent necessary to allow the Federal Bureau of Investigation to collect and maintain a list of persons who are prohibited under federal law from engaging in certain activities with respect to a firearm.

(3) The department shall grant access to a person's own federal prohibited-person information to the person who is the subject of the information.

(4) Federal prohibited-person information maintained by the department is confidential information for the use of the department and, except as otherwise provided by this section and other state law, is not a public record and may not be disseminated by the department.

(5) The department by rule shall establish a procedure to correct department records and transmit those corrected records to the Federal Bureau of Investigation when a person provides:

(a) A copy of a judicial order or finding under Section * * * 318 or 430 of Section 1 of this act that a person has been restored to reason;

(b) Proof that the person has obtained notice of relief from disabilities under 18 USC, Section 925; or

(c) A copy of a judicial order of relief from a firearms disability under Section 97-37-5(4).

SECTION 5. Section 81-5-62, Mississippi Code of 1972, is amended as follows:

81-5-62. Accounts payable at death may be established under the following conditions:

(a) An account in a bank, including a national bank, may be opened by any person or persons with directions to make such an account payable on the death of the person or persons opening such an account to the named beneficiary or beneficiaries. When an account is so opened, the bank shall pay any monies to the credit of the account from time to time to, or pursuant to the order of, the person or persons opening such an account during his or their lifetime in the same manner as if the account were in the sole name or names of such person or persons. The term "accounts" or "account" as used in this section shall include, but not be limited to, any form of deposit or account, such as a savings account, checking account, time deposit, demand deposit or certificate of deposit, whether negotiable, nonnegotiable or otherwise.

(b) If the named beneficiary or one (1) of the beneficiaries so named is an individual beneficiary and the individual beneficiary or beneficiaries survive the death of the person opening such an account, and the individual beneficiary or all of the individual beneficiaries so named are sixteen (16) years of age or over at the death of the person opening such an account, the bank shall pay the monies to the credit of the account, less all setoffs and charges, to the named individual beneficiary or beneficiaries or upon his or their order, as hereinafter provided, and such payment by the bank shall be valid, notwithstanding any lack of legal age of the named beneficiary or beneficiaries; provided, however, where such an account is opened or subsequently held by more than one (1) person, the death of one (1) of such persons shall not terminate the account and the account shall continue as to the surviving person or persons and the named beneficiary or beneficiaries subject to the provisions of paragraphs (c) through (j) of this section. For purposes of this section, the term "individual beneficiary" shall refer to a living person who is the named beneficiary of a payable on death account.

(c) If the named individual beneficiary or all of the individual beneficiaries so named survive the death of the person or persons opening such an account and are under sixteen (16) years of age at such time, the bank shall pay the monies to the credit of the account, less all setoffs and charges:

(i) When or after the named individual beneficiary becomes sixteen (16) years of age, to the named beneficiary or upon his order; or

(ii) When more than one (1) individual beneficiary is named, the bank shall pay to each individual beneficiary so named his proportionate interest in such account as each severally becomes sixteen (16) years of age; or

(iii) To the legal guardian of the named individual beneficiary, wherever appointed and qualified, or where more than one (1) beneficiary is named, the bank shall pay such individual beneficiary's proportionate interest in such account to his legal guardian wherever and whenever appointed and qualified; or

(iv) * * * If no guardian is appointed and qualified, payment may be made in accordance with the provisions of Section * * * 209 or 431 of Section 1 of this act in situations to which such section or sections are applicable.

(d) Where the death of the person or persons opening such an account terminates the account under the provisions of paragraphs (b) and (c) of this section, and where one or more of the named individual beneficiaries are under sixteen (16) years of age and the remainder of the named individual beneficiaries are sixteen (16) years of age or over, the bank shall pay the monies, less all setoffs and charges, to:

(i) The named individual beneficiaries sixteen (16) years of age or over at the time of termination of such account pursuant to paragraph (b) of this section; and

(ii) The named individual beneficiaries under sixteen (16) years of age at the time of termination of such account pursuant to paragraph (c) of this section.

(e) If the named beneficiary or one (1) of the beneficiaries so named is a revocable trust, evidenced by a written trust agreement, which trust is still in existence at the death of the person opening such an account, the bank shall pay the monies to the credit of the account, less all setoffs and charges, to the trustee of the named revocable trust or upon his or their order, as hereinafter provided, upon being presented an affidavit by the trustee stating that the name of the trust, the names of the current trustees, and that the trust is still in existence at the time of presentment of the affidavit. Such payment by the bank shall be valid, notwithstanding any lack of actual authority by the trustee, and the bank shall be discharged and released to the same extent as if the bank had dealt with the personal representative of the decedent. Such bank shall not be required to see to the proper application of the monies or evidence thereof or to inquire into the truth of any statement presented in the affidavit by the trustee.

(f) Where such account is opened or subsequently held by more than one (1) person, the bank, in the absence of any written instructions to the contrary which are consented to by the bank, shall accept payments made to such account and may pay any monies to the credit of such account from time to time to, or pursuant to the order of, either or any of such persons during their life or lives in the same manner as if the account were in the sole name of either or any of such persons.

(g) When a person or persons open an account in a bank in the form set forth in paragraph (a) of this section, and makes a payment or payments to such account or causes a payment or payments to be made to such account, it shall be conclusively presumed that such person or persons intend to vest in the named beneficiary or beneficiaries a present beneficial interest in such payment so made and in the monies to the credit of the account from time to time, to the end that, if the named beneficiary or beneficiaries survive the person or persons opening such an account, all the right and title of the person or persons opening such an account in and to the monies to the credit of the account at the death of such person or persons, less all setoffs and charges, shall, at such death, vest solely and indefeasibly in the named beneficiary or beneficiaries subject to the conditions and limitations of paragraphs (b) through (j) of this section.

(h) If the named individual beneficiary predeceases the person opening such an account, or if the named beneficiary is a revocable trust that is terminated, the present beneficial interest presumed to be vested in the named beneficiary pursuant to paragraph (g) of this section shall terminate at the death of the named individual beneficiary or upon the termination of the revocable trust named as a beneficiary. In such case, the personal representatives of the named individual beneficiary, the beneficiaries of the revocable trust, and all others claiming through or under the named beneficiary, shall have no right in or title to the monies to the credit of the account, and the bank shall pay such monies, less all setoffs and charges, to the person opening such an account or pursuant to his order in the same manner as if the account were in the sole name of the person opening such an account; provided, however, where such an account names more than one (1) beneficiary, the death of one (1) of the individual beneficiaries or the termination of a revocable trust beneficiary so named shall not terminate the account and the account shall continue as to the surviving beneficiary or beneficiaries subject to the provisions of paragraphs (b) through (j) of this section.

(i) A bank which makes any payment pursuant to paragraphs (b) through (h) of this section, prior to service upon the bank of an order of court restraining such payment, shall, to the extent of each payment so made, be released from all claims of the person or persons opening such an account, the named beneficiary or beneficiaries, their legal representatives, and all others claiming through or under them.

(j) When an account is opened in a form described in paragraph (a) of this section, the right of the named beneficiary or beneficiaries to be vested with sole and indefeasible title to the monies to the credit of the account on the death of the person or persons opening such an account shall not be denied, abridged or in anyway affected because such right has not been created by a writing executed in accordance with the law of this state prescribing the requirements to effect a valid testamentary disposition of property.

SECTION 6. Section 81-12-145, Mississippi Code of 1972, is amended as follows:

81-12-145. Accounts payable at death may be established under the following conditions:

(a) An account in an association may be opened by any person or persons with directions to make such an account payable on the death of the person or persons opening such an account to the named beneficiary or beneficiaries. When an account is so opened, the association shall pay any monies to the credit of the account from time to time to, or pursuant to the order of the person or persons opening such an account during his or their lifetime in the same manner as if the account were in the sole name or names of such person or persons.

(b) If the named beneficiary or one (1) of the beneficiaries so named survive the death of the person opening such an account and the beneficiary or all of the beneficiaries so named are sixteen (16) years of age or over at the death of the person opening such an account, the association shall pay the monies to the credit of the account, less all proper setoffs and charges, to the named beneficiary or beneficiaries or upon his or their order, as hereinafter provided, and such payment by the association shall be valid, notwithstanding any lack of legal age of the named beneficiary or beneficiaries; provided, however, where such an account is opened or subsequently held by more than one (1) person, the death of one (1) of such persons shall not terminate the account and the account shall continue as to the surviving person or persons and the named beneficiary or beneficiaries subject to the provisions of subsections (c) through (i) of this section.

(c) If the named beneficiary or all of the beneficiaries so named survive the death of the person or persons opening such an account and are under sixteen (16) years of age at such time, the association shall pay the monies to the credit of the account, less all proper setoffs and charges:

(i) When or after the named beneficiary becomes sixteen (16) years of age, to the named beneficiary or upon his order; or

(ii) When more than one (1) beneficiary is named, the association shall pay to each beneficiary so named his proportionate interest in such account as each severally becomes sixteen (16) years of age; or

(iii) To the legal guardian of the named beneficiary, wherever appointed and qualified, or where more than one (1) beneficiary is named, the association shall pay such beneficiary's proportionate interest in such account to his legal guardian wherever and whenever appointed and qualified; or

(iv) * * * If no guardian is appointed and qualified, payment may be made in accordance with the provisions of Section * * * 209 or 431 of Section 1 of this act in situations to which such section or sections are applicable.

(d) Where the death of the person or persons opening such an account terminates the account under the provisions of * * * paragraphs (b) and (c) of this section and where one or more of the named beneficiaries are under sixteen (16) years of age and the remainder of the named beneficiaries are sixteen (16) years of age or over, the association shall pay the monies to the credit of the trust, less all proper setoffs and charges, to:

(i) The named beneficiaries sixteen (16) years of age or over at the time of termination of said account pursuant to * * * paragraph (b) of this section, and

(ii) The named beneficiaries under sixteen (16) years of age at the time of termination of said account pursuant to * * * paragraph (c) of this section.

(e) Where such account is opened or subsequently held by more than one (1) person, the association, in the absence of any written instructions to the contrary, consented to by the association, shall accept payments made to such account and may pay any monies to the credit of such account from time to time to, or pursuant to the order of, either or any of said persons during their life or lives in the same manner as if the account were in the sole name of either or any of such persons.

(f) When a person or persons opens an account in an association, in the form set forth in * * * paragraph (a) of this section, and makes a payment or payments to such account, or causes a payment or payments to be made to such account, such person or persons shall be conclusively presumed to intend to vest in the named beneficiary or beneficiaries a present beneficial interest in such payment so made, and in the monies to the credit of the account from time to time, to the end that, if the named beneficiary or beneficiaries survive the person or persons opening such an account, all the right and title of the person or persons opening such an account in and to the monies to the credit of the account at the death of such person or persons, less all proper setoffs and charges, shall, at such death, vest solely and indefeasibly in the named beneficiary or beneficiaries subject to the conditions and limitations of * * * paragraphs (c) through (i) of this section.

(g) If the named beneficiary predeceases the person opening such an account, the present beneficial interest presumed to be vested in the named beneficiary pursuant to * * * paragraph (f) of this section shall terminate at the death of the named beneficiary. In such case, the personal representatives of the named beneficiary, and all others claiming through or under the named beneficiary, shall have no right in or title to the monies to the credit of the account, and the association shall pay such monies, less all proper setoffs and charges, to the person opening such an account, or pursuant to his order, in the same manner as if the account were in the sole name of the person opening such an account; provided, however, where such an account names more than one (1) beneficiary, the death of one (1) of the beneficiaries so named shall not terminate the account and the account shall continue as to the surviving beneficiary or beneficiaries subject to the provisions of * * * paragraphs (c) through (i) of this section.

(h) An association which makes any payment pursuant to * * * paragraphs (c) through (g) of this section, prior to service upon the association or an order of court restraining such payment, shall, to the extent of each payment so made, be released from all claims of the person or persons opening such an account, the named beneficiary or beneficiaries, their legal representatives, and all others claiming through or under them.

(i) When an account is opened in a form described in * * * paragraph (a) of this section, the right of the named beneficiary or beneficiaries to be vested with sole and indefeasible title to the monies to the credit of the account on the death of the person or persons opening such an account shall not be denied, abridged or in anywise affected because such right has not been created by a writing executed in accordance with the law of this state prescribing the requirements to effect a valid testamentary disposition of property.

SECTION 7. Section 81-14-363, Mississippi Code of 1972, is amended as follows:

81-14-363. (1) An account in a savings bank may be opened by any person or persons with directions to make such account payable upon his or their death to the named beneficiary or beneficiaries. When an account is so opened, the savings bank shall pay any money to the person or persons opening such account during his or their lifetime in the same manner as if the account were in the sole name or names of such person or persons.

(2) If the named beneficiary or one (1) of the named beneficiaries survive the death of the person opening such an account and the beneficiary or all of the beneficiaries so named

are sixteen (16) years of age or over at the death of such person, the savings bank shall pay the money to the credit of the account, less all proper setoffs and charges, to the named beneficiary or beneficiaries or upon his or their order, as hereinafter provided. Such payment by the savings bank shall be valid, notwithstanding any lack of legal age of the named beneficiary or beneficiaries. However, where such an account is opened or subsequently held by more than one (1) person, the death of one (1) of such persons shall not terminate the account and the account shall continue as to the surviving person or persons and the named beneficiary or beneficiaries subject to the provisions of subsection (3).

(3) If the named beneficiary or all of the named beneficiaries survive the death of the person or persons opening such an account and are under sixteen (16) years of age at such time, the savings bank shall pay the money to the credit of the account, less all proper setoffs and charges:

(a) When or after the named beneficiary becomes sixteen (16) years of age, to the named beneficiary or upon his order; or

(b) When more than one (1) beneficiary is named, the savings bank shall pay to each beneficiary so named his proportionate interest in such account as each severally becomes sixteen (16) years of age; or

(c) To the legal guardian of the named beneficiary, wherever appointed and qualified, or where more than one (1) beneficiary is named, the savings bank shall pay such beneficiary's proportionate interest in such account to his legal guardian wherever and whenever appointed and qualified; or

(d) * * * If no guardian is appointed and qualified, payment may be made in accordance with the provisions of Section * * * 209 or 431 of Section 1 of this act in situations to which such sections are applicable.

(4) Where the death of the person or persons opening such an account terminates the account under the provisions of subsections (2) and (3) of this section and where one or more of the named beneficiaries are under sixteen (16) years of age and the remainder of the named beneficiaries are sixteen (16) years of age or over, the savings bank shall pay the money to the credit of the trust, less all proper setoffs and charges, to:

(a) The named beneficiaries sixteen (16) years of age or over at the time of termination of said account pursuant to subsection (2) of this section; and

(b) The named beneficiaries under sixteen (16) years of age at the time of termination of said account pursuant to subsection (3) of this section.

(5) Where such account is opened or subsequently held by more than one (1) person, the savings bank in the absence of any written instructions to the contrary, consented to by the savings bank, shall accept payments made to such account and may pay any money to the credit of such account from time to time to, or pursuant to the order of, either or any of such persons during

their life or lives in the same manner as if the account were in the sole name of either of such persons.

(6) When a person or persons opens an account in a savings bank in the form set forth in subsection (1) of this section, and makes a payment or payments to such account, or causes a payment or payments to be made to such account, such person or persons shall be conclusively presumed to intend to vest in the named beneficiary or beneficiaries a present beneficial interest in such payments made, and in the money to the credit of the account from time to time, to the end that, if the named beneficiary or beneficiaries survive the person or persons opening such an account, all the right and title of the person or persons opening such an account in and to the money to the credit of the account at the death of such person or persons, less all proper setoffs and charges, shall at such death, vest solely and indefeasibly in the named beneficiary or beneficiaries subject to the conditions and limitations of subsection (3).

(7) If the named beneficiary predeceases the person opening such an account, the present beneficial interest presumed to be vested in the named beneficiary pursuant to subsection (6) of this section shall terminate at the death of the named beneficiary. In such case, the personal representatives of the named beneficiary, and all others claiming through or under the named beneficiary, shall have no right in or title to the money to the credit of the account, and the savings bank shall pay such money, less all

proper setoffs and charges, to the person opening such an account, or pursuant to his order, in the same manner as if the account were in the sole name of the person opening such an account; provided, however, where such an account names more than one (1) beneficiary, the death of one (1) of the beneficiaries so named shall not terminate the account and the account shall continue as to the surviving beneficiary or beneficiaries subject to the provisions of subsection (3) of this section.

(8) A savings bank which makes any payment pursuant to subsection (3) of this section, prior to service upon the savings bank of an order of court restraining such payment shall, to the extent of each payment so made, be released from all claims of the person or persons opening such an account, the named beneficiary or beneficiaries, their legal representatives, and all others claiming through or under them.

(9) When an account is opened in a form described in subsection (1) of this section, the right of the named beneficiary or beneficiaries to be vested with sole and indefeasible title to the money to the credit of the account on the death of the person or persons opening such an account shall not be denied, abridged or in anyway affected because such right has not been created by a writing executed in accordance with the law of this state prescribing the requirements to effect a valid testamentary disposition of property.

SECTION 8. Section 91-8-103, Mississippi Code of 1972, is amended as follows:

91-8-103. In this chapter:

(1) "Action," with respect to an act of a trustee, includes a failure to act.

(2) "Ascertainable standard" means a standard relating to an individual's health, education, support, or maintenance within the meaning of Section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code of 1986, as in effect on July 1, 2014, or as later amended.

(3) "Beneficial interest" means a distribution interest or a remainder interest; provided, however, a beneficial interest specifically excludes a power of appointment or a power reserved by a settlor.

(4) "Beneficiary" means a person that:

(A) Has a present or future beneficial interest in a trust, vested or contingent; or

(B) In a capacity other than that of trustee, holds a power of appointment over trust property.

(5) "Beneficiary surrogate" means a person, including a trust protector or trust advisor, other than a trustee, designated by the settlor in the trust instrument or in a writing delivered to the trustee, or designated in a writing delivered to the trustee by a trust protector or trust advisor with power under the terms of the trust instrument to receive notices, information, and

reports otherwise required to be provided to a beneficiary under Section 91-8-813(a) and (b), or to represent a beneficiary under Section 91-8-303(8).

(6) "Charitable trust" means a trust, or portion of a trust, created for a charitable purpose described in Section 91-8-405(a).

(7) "Conservator" means a person appointed by the court to administer the estate of a minor or adult individual * * * as defined in Section * * * 102 of Section 1 of this act.

(8) "Directed trust" means a trust where through the terms of the trust, one or more persons are given the authority to direct or consent to a fiduciary's actual or proposed investment decision, distribution decision, or any other decision of the fiduciary.

(9) "Distribution interest" means:

(A) An interest, other than a remainder interest, held by an eligible distributee or permissible distributee under a trust and may be a current distribution interest or a future distribution interest;

(B) A distribution interest is classified as either a mandatory interest, a support interest or a discretionary interest; and although not the exclusive means to create each such respective distribution interest, absent clear and convincing evidence to the contrary, use of the example language accompanying the following definitions of each such respective distribution interest results in the indicated classification of distribution interest:

(i) A mandatory interest means a distribution interest in which the timing of any distribution must occur within one (1) year from the date the right to the distribution arises and the trustee has no discretion in determining whether a distribution shall be made or the amount of such distribution; example distribution language indicating a mandatory interest includes, but is not limited to:

a. All income shall be distributed to a named beneficiary; or

b. One Hundred Thousand Dollars ($100,000.00) a year shall be distributed to a named beneficiary;

(ii) A support interest means a distribution interest that is not a mandatory interest but still contains mandatory language such as "shall make distributions" and is coupled with a standard capable of judicial interpretation; example distribution language indicating a support interest includes, but is not limited to:

a. The trustee shall make distributions for health, education, maintenance, and support;

b. Notwithstanding the distribution language used, if a trust instrument containing such distribution language specifically provides that the trustee exercise discretion in a reasonable manner with regard to a discretionary interest, then notwithstanding any other provision of this subparagraph defining distribution interests, the distribution interest shall be classified as a support interest;

(iii) A discretionary interest means any interest that is not a mandatory or a support interest and is any distribution interest where a trustee has any discretion to make or withhold a distribution; example distribution language indicating a discretionary interest includes, but is not limited to:

a. The trustee may, in the trustee's sole and absolute discretion, make distributions for health, education, maintenance, and support;

b. The trustee, in the trustee's sole and absolute discretion, shall make distributions for health, education, maintenance, and support;

c. The trustee may make distributions for health, education, maintenance, and support;

d. The trustee shall make distributions for health, education, maintenance, and support; however, the trustee may exclude any of the beneficiaries or may make unequal distributions among them; or

e. The trustee may make distributions for health, education, maintenance, support, comfort, and general welfare;

f. A discretionary interest may also be evidenced by:

1. Permissive distribution language such as "may make distributions";

2. Mandatory distribution language that is negated by the discretionary distribution language contained in the trust such as "the trustee shall make distributions in the trustee's sole and absolute discretion";

g. An interest that includes mandatory distribution language such as "shall" but is subsequently qualified by discretionary distribution language shall be classified as a discretionary interest and not as a support or a mandatory interest;

(C) (i) To the extent a trust contains distribution language indicating the existence of any combination of a mandatory, support and discretionary interest, that combined interest of the trust shall be divided and treated separately as follows:

a. The trust shall be a mandatory interest only to the extent of the mandatory distribution language;

b. The trust shall be a support interest only to the extent of such support distribution language; and

c. The remaining trust property shall be held as a discretionary interest;

(ii) For purposes of this subparagraph (C), a support interest that includes mandatory distribution language such as "shall" but is subsequently qualified by discretionary distribution language, shall be classified as a discretionary interest and not as a support interest.

(10) "Environmental law" means a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment.

(11) "Excluded fiduciary" means any trustee, trust advisor, or trust protector to the extent that, under the terms of a trust:

(A) The trustee, trust advisor, or trust protector is excluded from exercising a power, or is relieved of a duty; and

(B) The power or duty is granted or reserved to another person.

(12) "Fiduciary" means:

(A) A trustee, conservator, guardian, agent under any agency agreement or other instrument, an executor, personal representative or administrator of a decedent's estate, or any other party, including a trust advisor or a trust protector, who is acting in a fiduciary capacity for any person, trust, or estate;

(B) For purposes of subparagraph (A), an agency agreement includes, but is not limited to, any agreement under which any delegation is made, either pursuant to Section 91-8-807 or by anyone holding a power or duty pursuant to Article 12;

(C) For purposes of the definition of fiduciary in Section 91-8-103, fiduciary does not mean any person who is an excluded fiduciary as such is defined in Section 91-8-103.

(13) "Guardian" means a person appointed by the court * * * to make decisions regarding the support, care, education, health, and welfare of a minor or adult individual as defined in Section 102 of Section 1 of this act. The term does not include a guardian ad litem.

(14) "Interests of the beneficiaries" means the beneficial interests provided in the terms of the trust.

(15) "Internal Revenue Code" means the Internal Revenue Code of 1986, as in effect on July 1, 2014, or as later amended.

(16) "Jurisdiction," with respect to a geographic area, includes a state or country.

(17) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity.

(18) "Power of appointment" means:

(A) An inter vivos or testamentary power to direct the disposition of trust property, other than a distribution decision made by a trustee or other fiduciary to a beneficiary;

(B) Powers of appointment are held by the person to whom such power has been given, and not by a settlor in that person's capacity as settlor.

(19) "Power of withdrawal" means a presently exercisable general power of appointment other than a power: (A) exercisable by a trustee and limited by an ascertainable standard; or (B) exercisable by another person only upon consent of the trustee or a person holding an adverse interest.

(20) "Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein.

(21) "Qualified beneficiary" means a beneficiary who, on the date the beneficiary's qualification is determined:

(A) Is a distributee or permissible distributee of trust income or principal;

(B) Would be a distributee or permissible distributee of trust income or principal if the interests of the distributees described in subparagraph (A) terminated on that date without causing the trust to terminate; or

(C) Would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date.

(22) "Remainder interest" means an interest under which a trust beneficiary will receive property held by a trust outright at some time during the future.

(23) "Reserved power" means a power held by a settlor.

(24) "Revocable," as applied to a trust, means revocable by the settlor without the consent of the trustee or a person holding an adverse interest.

(25) "Settlor" means a person, including a testator, who creates, or contributes property to, a trust. If more than one (1) person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.

(26) "Spendthrift provision" means a term of a trust which restrains both voluntary and involuntary transfer of a beneficiary's interest.

(27) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state.

(28) "Successors in interest" means the beneficiaries under the settlor's will, if the settlor has a will, or in the absence of an effective will provision, the settlor's heirs at law.

(29) "Terms of a trust" means the manifestation of the settlor's intent regarding a trust's provisions as expressed in

the trust instrument or as may be established by other evidence that would be admissible in a judicial proceeding.

(30) "Trust advisor" means any person described in Section 91-8-1201(a).

(31) "Trust instrument" means an instrument executed by the settlor that contains terms of the trust, including any amendments thereto.

(32) "Trustee" includes an original, additional, and successor trustee, and a cotrustee.

(33) "Trust protector" means any person described in Section 91-8-1201(a).

SECTION 9. Section 93-14-102, Mississippi Code of 1972, is amended as follows:

93-14-102. In this chapter:

(1) "Adult" means an individual who has attained * * * twenty-one (21) years of age.

(2) "Conservator" means a person appointed by the court to administer the property of an adult, including a person appointed under * * * Article 4 of Section 1 of this act.

(3) "Guardian" means a person appointed by the court to make decisions regarding the person of an adult, including a person appointed under * * * Article 2 or 3 of Section 1 of this act.

(4) "Guardianship order" means an order appointing a guardian.

(5) "Guardianship proceeding" means a judicial proceeding in which an order for the appointment of a guardian is sought or has been issued.

(6) "Incapacitated person" means an adult for whom a guardian has been appointed.

(7) "Party" means the respondent, petitioner, guardian, conservator, or any other person allowed by the court to participate in a guardianship or protective proceeding.

(8) "Person," except in the term incapacitated person or protected person, means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(9) "Protected person" means an adult for whom a protective order has been issued.

(10) "Protective order" means an order appointing a conservator or other order related to management of an adult's property.

(11) "Protective proceeding" means a judicial proceeding in which a protective order is sought or has been issued.

(12) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(13) "Respondent" means an adult for whom a protective order or the appointment of a guardian is sought.

(14) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

SECTION 10. Section 93-14-302, Mississippi Code of 1972, is amended as follows:

93-14-302. (a) To confirm transfer of a guardianship or conservatorship transferred to this state under provisions similar to Section 93-14-301, the guardian or conservator must petition the court in this state to accept the guardianship or conservatorship. The petition must include a certified copy of the other state's provisional order of transfer.

(b) Notice of a petition under subsection (a) must be given to those persons that would be entitled to notice if the petition were a petition for the appointment of a guardian or conservator or issuance of a protective order in both the transferring state and this state. The notice must be given in the same manner as notice is required to be given in this state.

(c) On the court's own motion or on request of the guardian or conservator, the incapacitated or protected person, or other person required to be notified of the proceeding, the court shall hold a hearing on a petition filed pursuant to subsection (a).

(d) The court shall issue an order provisionally granting a petition filed under subsection (a) unless:

(1) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the incapacitated or protected person; or

(2) The guardian or conservator is ineligible for appointment in this state.

(e) The court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian or conservator in this state upon its receipt from the court from which the proceeding is being transferred of a final order issued under provisions similar to Section 93-14-301 transferring the proceeding to this state.

(f) Not later than ninety (90) days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the law of this state.

(g) In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the incapacitated or protected person's incapacity and the appointment of the guardian or conservator.

(h) The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or conservator in this state under * * * Article 2, 3 or 4 of Section 1 of this act or under Section 35-5-1 et seq., if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

SECTION 11. Sections 93-13-3, 93-13-5, 93-13-7, 93-13-9, 93-13-11, 93-13-13, 93-13-15, 9-13-17, 93-13-19, 93-13-21, 93-13-23, 93-13-25, 93-13-27, 93-13-29, 93-13-31, 93-13-33, 93-13-35, 93-13-37, 93-13-38, 93-13-39, 93-13-41, 93-13-43, 93-13-45, 93-13-47, 93-13-49, 93-13-51, 93-13-53, 93-13-55, 93-13-57, 93-13-59, 93-13-61, 93-13-63, 93-13-65, 93-13-67, 93-13-69, 93-13-71, 93-13-73, 93-13-75, 93-13-77 and 93-13-79, Mississippi Code of 1972, dealing with wards generally, are repealed.

SECTION 12. Section 93-13-111, Mississippi Code of 1972, dealing with wards in need of mental treatment, is repealed.

SECTION 13. Sections 93-13-121, 93-13-123, 93-13-125, 93-13-127, 93-13-128, 93-13-129, 93-13-131, 93-13-133 and 93-13-135, Mississippi Code of 1972, dealing with the appointment of guardians for incompetent adults, are repealed.

SECTION 14. Section 93-13-151, Mississippi Code of 1972, dealing with the procedure following restoration of reason, is repealed.

SECTION 15. Section 93-13-161, Mississippi Code of 1972, dealing with the appointment of a guardian for the estate of a person in the armed forces listed as missing, is repealed.

SECTION 16. Sections 93-13-181, 93-13-183, 93-13-185 and 93-13-187, Mississippi Code of 1972, dealing with nonresident guardians, is repealed.

SECTION 17. Sections 93-13-211, 93-13-213, 93-13-215, 93-13-217 and 93-13-219, Mississippi Code of 1972, dealing with small transactions performed without guardianship, are repealed.

SECTION 18. Sections 93-13-251, 93-13-253, 93-13-255, 93-13-257, 93-13-259, 93-13-261, 93-13-263, 93-13-265 and 93-13-267, Mississippi Code of 1972, dealing with conservators, are repealed.

SECTION 19. Section 93-13-281, Mississippi Code of 1972, dealing with the joinder of parties in suits involving wards, is repealed.

SECTION 20. The editor is directed to retitle Title 93, Chapter 13, Mississippi Code of 1972, appropriately.

SECTION 21. This act shall take effect and be in force from and after January 1, 2020.

Index

A

ABORTION.
Fetal heartbeat, abortion prohibition when detectable, SB 2116 (no 1).

ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE PERSONS.
Intentional infliction of severe mental anguish, felony offense, HB 1075 (no 2).

ACCIDENT AND HEALTH INSURANCE.
Claims.
Insurer delay in payment of claims, when payee entitled to damages, HB 628 (no 1).
Dental care benefits.
Appeal procedures for claims denied for lack of medical necessity, HB 752 (no 1).

AGRICULTURE AND COMMERCE DEPARTMENT.
Commissioner.
Residency requirements, SB 2030 (no 1).

AIRPORT AUTHORITIES.
Property tax exemption.
Airport-related contracts, leases and other arrangements, SB 2802 (no 2).

ALYCE G. CLARKE CENTER FOR MEDICALLY FRAGILE CHILDREN.
Financing for construction, furnishing and equipping of facilities, HB 1160 (no 2).

APPEALS.
Domestic abuse protection orders, SB 2561 (no 3).

APPRAISAL MANAGEMENT COMPANIES.
Independent contract appraisers, time for payment for completion of service, SB 2869 (no 2).
National registry fees, SB 2697 (no 2).
Registration.
Extension of provisions, SB 2451 (no 2).
Trainee appraisers, SB 2697 (no 2).

ASSAULT.
Health care provider, assault on.
Enhanced penalties, HB 1465 (no 2).

ATHLETICS.
Physicians traveling with sports teams for sporting events conducted in state.
License to practice medicine, exemption from certain requirements, HB 977 (no 2).

B

BANKS AND FINANCIAL INSTITUTIONS.
Parity among banks extending open-end credit, SB 2817 (no 2).

BETTER SIGHT FOR BETTER LEARNING PROGRAM.
Eye screening and examinations of children, HB 1322 (no 2).

BIOLOGICAL PRODUCTS.
Prescriptions, SB 2365 (no 2).

BOND ISSUES.
Mississippi home corporation.
Extension of authority to issue bonds, HB 1126 (no 2), SB 2602 (no 2).
State bond commission.
Variable rate refunding bonds, SB 2604 (no 3).

BONDS, SURETY.
Private project construction bonds, HB 869 (no 2).

BOYCOTTS.
Israel support act of 2019, HB 761 (no 1).

BROADBAND ENABLING ACT.
Electric cooperatives, establishment of broadband affiliates, HB 366 (no 1).

BUDGETS.
Contractual obligations of state agencies from prior fiscal year, approval for payment, HB 980 (no 3).
Performance budgeting and strategic planning.
Inventory of programs from state departments and agencies, SB 2392 (no 2).
Transfers of state funds, SB 2541 (no 3).

BURN CARE LIENS.
Reenactment of provisions and repeal of sunset date, SB 2012 (no 3).

BUSINESS ENTERPRISE TAX EXEMPTIONS.
Data center enterprises.
Eligibility, SB 2271 (no 1).

C

CALLER ID ANTI-SPOOFING.
Violations, SB 2744 (no 3).

CAPITOL COMPLEX.
Curator of new capitol building, HB 84 (no 1).

INDEX

CELL PHONES.
Prisons and prisoners.
  Circuit court order to disable contraband cell phone service from carrier, SB 2704 (no 2).

CEMETERIES.
Maintenance and repair of abandoned public or private nonprofit cemeteries, HB 1477 (no 2).

CHANCERY COURTS.
Compensation and fees of clerks, SB 2827 (no 3).

CHARITABLE ORGANIZATIONS.
Non-disclosure of personal information of members, supporters, volunteers or donors to public agencies, HB 1205 (no 2).

CHILD ABUSE AND NEGLECT.
False reports, penalty, SB 2576 (no 3).
Reports to department of child protection services.
  Responsible person on active duty, notice to applicable military installation family advocacy program of report, HB 1117 (no 2).

CHILD CUSTODY.
Grandparent visitation, petition for, HB 1096 (no 2).

CHILD PROTECTION SERVICES DEPARTMENT.
Child abuse and neglect reports.
  Responsible person on active duty, notice to applicable military installation family advocacy program of report, HB 1117 (no 2).
Exemption from state information technology, personnel board and procurement provisions, HB 714 (no 1).

CHILD SUPPORT.
Reenactment of certain provisions, SB 2133 (no 1).

CHURCHES AND OTHER PLACES OF WORSHIP.
Law enforcement officers as members of church security programs, HB 390 (no 1).

CIRCUIT COURTS.
Compensation and fees of clerks, SB 2827 (no 3).
Judges.
  Third district, HB 904 (no 3).

CIVIL COMMITMENT PROCEEDINGS.
Criminal defendants, jurisdiction over, SB 2328 (no 3).

COLLEGES AND UNIVERSITIES.
Military personnel.
  Educational credits for courses that are part of military training or service, SB 2053 (no 3).
  Spouses or children stationed in state.
    Resident status for tuition purposes, SB 2049 (no 3).

COMMERCIAL DRIVERS' LICENSES.
Military department vehicles exempted from definition of commercial motor vehicle, HB 751 (no 1).

COMMERCIAL SEXUAL EXPLOITATION, HB 571 (no 1).

COMMUNITY AND JUNIOR COLLEGES.
Board of trustees, community college districts.
  County superintendent of education not automatic member, HB 1247 (no 3).
Military personnel.
  Educational credits for courses that are part of military training or service, SB 2053 (no 3).
State community college board.
  Member qualifications, SB 2749 (no 2).

COMMUNITY FOUNDATIONS.
Charitable gifts to endowed funds held by, tax credit, SB 2210 (no 1).

COMPETENCY TO STAND TRIAL.
Criminal defendants, mental examinations, SB 2328 (no 3).

CONSERVATORSHIPS.
Mississippi guardianship and conservatorship act, SB 2828 (no 3).

CONVICTIONS.
Fresh start act of 2019.
  Professional and occupational licensing for persons convicted of crime, SB 2781 (no 3).

COSMETOLOGISTS.
State board of cosmetology.
  Conduct of student examinations, SB 2766 (no 2).

COUNTIES.
Boards of supervisors.
  Declaration of local emergency, SB 2243 (no 1).
  Elections.
    Prohibition of changes of precinct boundaries, pending redistricting plan for legislative districts, HB 914 (no 2).
Candidates for local offices.
  Residency requirements, SB 2030 (no 1).
Cemeteries.
  Maintenance and repair of abandoned public or private nonprofit cemeteries, HB 1477 (no 2).

COUNTIES —Cont'd
Compensation of county officers, SB 2827 (no 3).
Group life and health insurance for county employees.
  County payment for benefits, HB 1249 (no 3).
Local government debt collection setoff act.
  Procedures for setting off debts owed to local government against tax refunds, HB 991 (no 2).
Road and bridge repair and maintenance, HB 779 (no 3).
Solid waste management.
  Extension of contracts in one-year increments without advertising for proposals, HB 1540 (no 2).
Task force on county elected officials compensation and fees, SB 2827 (no 3).

COURT COSTS, FINES AND FEES.
Criminal justice reform act.
  Enforcement by court instead of drivers' license suspension, HB 1352 (no 3).

COURTHOUSES.
Concealed weapons.
  Definition of courthouse and courtroom, HB 1581 (no 2).

CREDIT CARDS.
Possession of skimmer with intent to defraud, SB 2445 (no 2).

CRIMINAL HISTORY RECORDS.
Pharmacists and pharmacies.
  Licensure of chain pharmacy warehouses, wholesale distributors, and repackagers.
    Criminal records checks on license applicants, HB 1226 (no 2).

CRIMINAL JUSTICE REFORM ACT, HB 1352 (no 3).

D

DEBIT CARDS.
Possession of skimmer with intent to defraud, SB 2445 (no 2).

DEBT MANAGEMENT SERVICES.
Extension of provisions, HB 800 (no 2).

DENTISTS AND DENTISTRY.
Dental care benefits.
  Appeal procedures for claims denied for lack of medical necessity, HB 752 (no 1).

DISABILITIES, INDIVIDUALS WITH.
Disabled veterans, definition in relation to state employment preference, SB 2863 (no 2).

DISABILITIES, INDIVIDUALS WITH —Cont'd
Schools and education.
  Corporal punishment prohibited on students with disabilities, HB 1182 (no 2).

DISTRICT ATTORNEYS.
Candidates for offices.
  Residency requirements, SB 2030 (no 1).

DOMESTIC VIOLENCE.
Protection orders.
  Effectiveness and applicability of orders, SB 2561 (no 3).

DRIVERS' LICENSES.
Commercial drivers' licenses.
  Military department vehicles exempted from definition of commercial motor vehicle, HB 751 (no 1).
Criminal justice reform act.
  Enforcement of delinquent court costs by court instead of drivers' license suspension, HB 1352 (no 3).

DRUG COURTS.
Certification process and timeframe, SB 2491 (no 3).
Criminal justice reform act, HB 1352 (no 3).

DYSLEXIA.
Student loan forgiveness for licensed dyslexia therapists, HB 150 (no 3).

E

ECONOMIC DEVELOPMENT DISTRICTS.
Marion county district, transfer of property located at Columbia training school, HB 1533 (no 2).
Transfer of industrial sites to military department or national guard, HB 1468 (no 2).

ECONOMIC REDEVELOPMENT PROJECTS.
Sales taxes.
  Diversion of revenue collected on business activities within redevelopment projects, SB 2425 (no 2).

ELECTIONS.
County boards of supervisors.
  Prohibition of changes of precinct boundaries, pending redistricting plan for legislative districts, HB 914 (no 2).
Judges.
  Qualifying deadline for candidates, SB 2916 (no 2).

ELECTIONS —Cont'd
School elections.
Runoff elections for county boards of education or municipal separate school district board of trustees, HB 654 (no 1).

ELECTRICITY.
Electric cooperatives, establishment of broadband affiliates.
Broadband enabling act, HB 366 (no 1).

ELECTRONIC PAYMENT CARDS.
Possession of skimmer with intent to defraud, SB 2445 (no 2).

EMERGENCIES.
County boards of supervisors.
Declaration of local emergency, SB 2243 (no 1).

EMERGENCY MEDICAL SERVICES.
Definition of emergency medical technician-advanced, HB 1313 (no 2).

EMPLOYMENT RELATIONS.
Sex offenders in contact with minors in course of employment or contract services.
Notice to employer, who provides notice to parent or guardian of minor, SB 2532 (no 2).

EMPLOYMENT SECURITY.
Commission.
Transfer of powers and responsibilities, extension of provisions, SB 2133 (no 1).
Reenactment of provisions, SB 2133 (no 1).

ENDOW MISSISSIPPI PROGRAM.
Charitable gifts to endowed funds held by community foundations.
Tax credit, SB 2210 (no 1).

ENERGY.
Energy and lighting efficiency standards.
Extension of provisions, HB 1362 (no 2).
Public purchasing.
Energy efficiency services contracts, extension of repealer, SB 2876 (no 2).

ENGINEERS.
Licensing of professional engineers and land surveyors.
Two-year renewal period, HB 1288 (no 2).

F

FARMS AND FARMING.
Small business and grocer investment act.
Extension of provisions, HB 1132 (no 2).

FETAL HEARTBEAT.
Abortion prohibition when fetal heartbeat detectable, SB 2116 (no 1).

FIREARMS AND OTHER WEAPONS.
Concealed weapons.
Courthouse and courtroom, definitions, HB 1581 (no 2).

FIREFIGHTERS AND FIRE DEPARTMENTS.
Rural fire truck acquisition assistance program, HB 444 (no 3).

FISH AND WILDLIFE.
Off-bottom oyster aquaculture operations.
Licensing and fees for vessels used in, HB 1269 (no 2).

FOOD AND FOOD PRODUCTS.
Cultured animal tissue from animal cell cultures outside of organism from which product derived.
Product not to be labeled as meat or a meat food product, SB 2922 (no 2).
Plant-based or insect-based food products.
Product not to be labeled as meat or a meat food product, SB 2922 (no 2).
Retail food establishments.
Micro markets and vending machines, HB 1206 (no 2).

FORGERY AND COUNTERFEITING.
Counterfeiting currency of foreign government, SB 2470 (no 2).
Penalties for forgeries, SB 2470 (no 2).

FOSTER CARE.
Mississippi foster care fund, SB 2196 (no 1).

FRESH START ACT OF 2019.
Professional and occupational licensing for persons convicted of crime, SB 2781 (no 3).

G

GROWTH AND PROSPERITY PROGRAM.
Exemption from state and local taxation, extension of cut-off date, SB 2885 (no 2).

GUARDIANSHIPS.
Mississippi guardianship and conservatorship act, SB 2828 (no 3).

H

HARBORS AND PORTS.
Ports improvements fund and advisory committee, SB 2282 (no 3).

HEALTH INSURANCE.
Group life and health insurance for county employees.
  County payment for benefits, HB 1249 (no 3).

HEMODIALYSIS TECHNICIANS.
Licensure, HB 1048 (no 2).

HIGHWAY PATROL.
Naming of district office in Biloxi as Commissioner George Landon Phillips District Office, HB 701 (no 1).

HIGHWAYS.
Andrew and Mary Lou Hawkins memorial highway, SB 2898 (no 2).
Carson W. Bounds memorial highway, SB 2900 (no 2).
Coach Phillip James. Jr. memorial highway, HB 725 (no 1).
Dalen Keith Thomas memorial highway, HB 724 (no 1).
Deputy Donald William Durr memorial highway, HB 1108 (no 2).
Emergency road and bridge repair fund.
  Powers of department of transportation, HB 779 (no 3).
Glade memorial highway, HB 726 (no 1).
James Plemon "J.P." Coleman memorial highway, HB 1474 (no 2).
Leland "L.R." Burcham memorial highway, HB 724 (no 1).
Lenoise Davidson memorial highway, HB 724 (no 1).
Lucie E. Campbell memorial highway, SB 2898 (no 2).
Maj. Ed "Too Tall" Freeman memorial highway, HB 1101 (no 2).
Mayor Johnny Biggs memorial highway, SB 2898 (no 2).
Thomas Lee Bales memorial highway, SB 2898 (no 2).
Transportation department.
  Budget estimates and funding allocations.
    Applicability to office of state aid road construction, SB 2947 (no 2).
Winnie Frost Morgan memorial highway, HB 724 (no 1).

HOSPITALS AND OTHER HEALTH FACILITIES.
Assault on health care provider.
  Enhanced penalties, HB 1465 (no 2).
Community hospitals.
  Board of trustees, participation in health insurance plan in effect for hospital employees, HB 273 (no 1).

HOSPITALS AND OTHER HEALTH FACILITIES —Cont'd
Community hospitals —Cont'd
  Sale of hospital, public hearing requirements, SB 2892 (no 2).
  Service area, definition, SB 2892 (no 2).
Health certificate of need program.
  Appeal of chancery court orders relating to issuance of certificate.
    Expedited appeal process, HB 626 (no 1).
Medicaid reimbursements.
  Licensed freestanding psychiatric hospital, reimbursement for services, SB 2268 (no 1).
Qualified health center grant program.
  Extension of time for making grants, HB 584 (no 1).

HUMAN SERVICES DEPARTMENT.
Administration of department.
  Extension of provisions, HB 1147 (no 2).
Exemption from state information technology, personnel board and procurement provisions, HB 714 (no 1).
Transportation commission lease of property in Oxford to department, SB 2810 (no 2).

HUMAN TRAFFICKING.
Minor under age of 18.
  Commercial sexual exploitation and human trafficking, HB 571 (no 1).
  Penalty for trafficking of a minor, SB 2305 (no 3).

I

INCOME TAX.
Equity investments.
  Credit for holders of certain qualified equity investments.
    Allocation of credits, date for, SB 2598 (no 2).
Water transportation enterprises, job tax credit, HB 1065 (no 3).

INCOME TAXES.
Charitable gifts to endowed funds held by community foundations.
  Credit, SB 2210 (no 1).
Economic development tax credit for companies relating headquarters in state from out of state.
  Extension of repealer, HB 695 (no 1).
Local government debt collection setoff act.
  Procedures for setting off debts owed to local government against tax refunds, HB 991 (no 2).
Major medical laboratory service businesses.
  Apportionment of business income, HB 1699 (no 2).

INCOME TAXES —Cont'd
Mississippi development authority.
Extension of certain credits relating to import and export of cargo, HB 694 (no 1).
Upholstered furniture manufacturing facilities.
New cut and sew jobs, credit for each new employee, extension of provisions, HB 808 (no 2).

INFORMATION TECHNOLOGY.
Insurance data security law.
Cybersecurity requirements, SB 2831 (no 2).
Public records act, exemptions from disclosure, SB 2046 (no 1).

INSURANCE COMPANIES.
Accident and health insurance.
Insurer delay in payment of claims, when payee entitled to damages, HB 628 (no 1).
Audit of financial statements of insurers.
Internal audit function requirements, HB 323 (no 1).
Corporate governance annual disclosures, HB 324 (no 1).
Cybersecurity requirements.
Insurance data security law, SB 2831 (no 2).
Insurance data security law, SB 2831 (no 2).

INSURANCE GUARANTY ASSOCIATION.
Covered claims.
Not to include claims denied by other state guaranty fund, SB 2864 (no 2).

INSURANCE PRODUCERS.
Cybersecurity requirements.
Insurance data security law, SB 2831 (no 2).
Self-storage limited line insurance.
Limited license, HB 630 (no 1).

INTERCHANGEABLE BIOLOGICAL PRODUCTS.
Prescriptions, SB 2365 (no 2).

INTERVENTION COURTS.
Criminal justice reform act, HB 1352 (no 3).

ISRAEL SUPPORT ACT OF 2019, HB 761 (no 1).

J

JAILS.
Feeding of prisoners.
Increase of total expenditures permitted per day, HB 874 (no 2).

JUDGES.
Elections.
Qualifying deadline for candidates, SB 2916 (no 2).

JUVENILE CORRECTIONAL FACILITIES.
Educational services provided, SB 2449 (no 2).

L

LANDLORD AND TENANT.
Warrant for removal.
Eviction cases or nonpayment of rent cases, SB 2716 (no 2).

LANDOWNERS PROTECTION ACT.
Premises-liability actions, limitation of liability, SB 2901 (no 2).

LAW ENFORCEMENT OFFICERS.
Church protection act.
Law enforcement officers as members of church security programs, HB 390 (no 1).
Fees charged by local officials, SB 2827 (no 3).
Transportation commission.
Contractor providing work zone safety operations, HB 580 (no 1).

LICENSE PLATES.
Special plates, SB 2570 (no 3).

LIFE INSURANCE.
Group life and health insurance for county employees.
County payment for benefits, HB 1249 (no 3).

LOCAL GOVERNMENT DEBT COLLECTION SETOFF ACT.
Procedures for setting off debts owed to local government against tax refunds, HB 991 (no 2).

M

MAJOR MEDICAL LABORATORY SERVICE BUSINESSES.
Income taxes.
Apportionment of business income, HB 1699 (no 2).

MARION COUNTY.
Economic development district.
Transfer of property located at Columbia training school, HB 1533 (no 2).

MARRIAGE.
Licenses.
Fee increase, SB 2043 (no 1).

MEAT AND MEAT PRODUCTS.
Cultured animal tissue from animal cell cultures outside of organism from which product derived.
  Product not to be labeled as meat or a meat food product, SB 2922 (no 2).
Plant-based or insect-based food products.
  Product not to be labeled as meat or a meat food product, SB 2922 (no 2).

MEDICAID.
Licensed freestanding psychiatric hospital, reimbursement for services, SB 2268 (no 1).

MEDICAL EXAMINERS.
Compensation and fees, SB 2827 (no 3).
State medical examiner.
  Qualifications, SB 2161 (no 1).

MENTAL HEALTH.
Criminal defendants.
  Mental examinations, commitment, treatment, SB 2328 (no 3).
Criminal justice reform act.
  Mental health courts, HB 1352 (no 3).
Drug and alcohol commitment, SB 2328 (no 3).
Nurses.
  Alternative to discipline program for impaired nurses, HB 1519 (no 2).
State board of mental health.
  Transfer of property to Tate county, HB 961 (no 3).

MILITARY.
Child abuse and neglect.
  Reports to department of child protection services.
    Responsible person on active duty, notice to applicable military installation family advocacy program of report, HB 1117 (no 2).
Code of military justice.
  Nonjudicial punishment, fines increased, SB 2679 (no 2).
  Summary court-martial, trial prior to special of general court-martial, SB 2680 (no 2).
Colleges and universities.
  Educational credits for courses that are part of military training or service, SB 2053 (no 3).
  Military spouses or children stationed in state.
    Resident status for tuition purposes, SB 2049 (no 3).
Economic development districts.
  Transfer of industrial sites to military department or national guard, HB 1468 (no 2).

MILITARY —Cont'd
Professions and occupations.
  Military-trained individuals or spouses, licensure.
    Expedited decision on license application for military spouse, SB 2452 (no 2).
Schools and education.
  Children of military members.
    Electronic application for enrollment for pupil whose parent is in state on active military duty, SB 2050 (no 1).

MISSISSIPPI BETTER SIGHT FOR BETTER LEARNING PROGRAM.
Eye screening and examinations of children, HB 1322 (no 2).

MISSISSIPPI BROADBAND ENABLING ACT.
Electric cooperatives, establishment of broadband affiliates, HB 366 (no 1).

MISSISSIPPI CENTER FOR MEDICALLY FRAGILE CHILDREN.
Financing for construction, furnishing and equipping of facilities, HB 1160 (no 2).

MISSISSIPPI DEVELOPMENT AUTHORITY.
Bond proceeds, use to reimburse authority for administration of grant, loan and financial incentive programs, SB 2272 (no 3).
Data center enterprises tax exemption.
  Eligibility, SB 2271 (no 1).
Income tax credits.
  Extension of certain credits relating to import and export of cargo, HB 694 (no 1).
  Holders of certain qualified equity investments.
    Date for allocation of credits, SB 2598 (no 2).
Local governments capital improvements revolving loan fund.
  Extension of provisions authorizing use of monies in fund, HB 713 (no 1).
Property tax exemptions.
  New factories and enterprises.
    Grant of fee in lieu of taxes for certain projects, amount of investment required, SB 2056 (no 1).
Tourism association marketing advisory board, SB 2193 (no 1).
Transfer or disposal of property, SB 2810 (no 2).

MISSISSIPPI FOSTER CARE FUND, SB 2196 (no 1).

MISSISSIPPI GULF COAST REGION UTILITY BOARD.
Extension of provisions, SB 2687 (no 2).

MISSISSIPPI HOME CORPORATION.
Bond issues, extension of authority, HB 1126 (no 2), SB 2602 (no 2).

MOTOR FUELS.
Consigned motor fuels, HB 940 (no 3).

MOTOR VEHICLES AND TRAFFIC.
Dealers and manufacturers.
  Coercion of dealer.
    Construction of or altering a facility or premises, HB 872 (no 2).
    Purchase of goods or services for items not protected by intellectual property rights, HB 872 (no 2).
  Liability insurance providing blanket coverage.
    Exception for vehicles inventory without a motor, HB 785 (no 2).
  Recall repairs, manufacturer compensation of dealer for labor and parts, HB 872 (no 2).
Highway work zones.
  Careless or reckless driving in work zone, penalties, HB 580 (no 1).
Insurance and financial responsibility.
  Dealers and manufacturers.
    Liability insurance providing blanket coverage.
      Exception for vehicles inventory without a motor, HB 785 (no 2).
License plates.
  Special plates, SB 2570 (no 3).
Motor vehicle tax and license synchronization study committee, SB 2577 (no 2).
Sales tax exemptions.
  Transfer between siblings, SB 2229 (no 1).
Size, weight and load regulations.
  Harvest permit.
    Vehicles hauling bulk feed or wood pellets, HB 754 (no 1).
  Rear projecting loads, distance permitted beyond body of vehicle, HB 1329 (no 2).
Vehicle service contract, definition, HB 925 (no 2).

MUNICIPALITIES.
Candidates for local offices.
  Residency requirements, SB 2030 (no 1).
Cemeteries.
  Maintenance and repair of abandoned public or private nonprofit cemeteries, HB 1477 (no 2).
Local government debt collection setoff act.
  Procedures for setting off debts owed to local government against tax refunds, HB 991 (no 2).
Solid waste management.
  Extension of contracts in one-year increments without advertising for proposals, HB 1540 (no 2).

N

NONPROFIT ORGANIZATIONS.
Non-disclosure of personal information of members, supporters, volunteers or donors to public agencies, HB 1205 (no 2).

NURSES.
Board of nursing.
  Alternative to discipline program for impaired nurses, HB 1519 (no 2).

O

OIL AND GAS BOARD.
Funding of operations, HB 740 (no 3).

P

PHARMACISTS AND PHARMACIES.
Biological products, prescriptions for, SB 2365 (no 2).
Licensure of chain pharmacy warehouses, wholesale distributors, and repackagers.
  Criminal records checks on license applicants, HB 1226 (no 2).

PHYSICIAN ASSISTANTS.
Licenses.
  Temporary license with proof of enrollment in master's program, deletion of repealer, HB 798 (no 2).

PHYSICIANS AND SURGEONS.
Assault on health care provider.
  Enhanced penalties, HB 1465 (no 2).
Physicians traveling with sports teams for sporting events conducted in state.
  License to practice medicine, exemption from certain requirements, HB 977 (no 2).
Rural physicians scholarship program.
  Psychiatry practice, SB 2524 (no 2).

PORTS.
Ports improvements fund and advisory committee, SB 2282 (no 3).

PRISONS AND PRISONERS.
Contraband cell phones.
  Circuit court order to disable cell service from carrier, SB 2704 (no 2).

PROFESSIONS AND OCCUPATIONS.
Fresh start act of 2019.
  Professional and occupational licensing for persons convicted of crime, SB 2781 (no 3).

PROFESSIONS AND OCCUPATIONS —Cont'd
Military-trained individuals or spouses, licensure.
Expedited decision on license application for military spouse, SB 2452 (no 2).

PROPERTY AND CASUALTY INSURANCE.
Windstorm underwriting association, HB 444 (no 3).

PROPERTY TAXES.
Airport authorities.
Exemption for airport-related contracts, leases and other arrangements, SB 2802 (no 2).
Exemptions.
New factories and enterprises.
Grant of fee in lieu of taxes for certain projects, amount of investment required, SB 2056 (no 1).
Sale of land for delinquent taxes.
No right of purchaser to challenge validity of tax sale, HB 1307 (no 3).

PROPRIETARY SCHOOLS AND COLLEGES.
Agents selling courses or soliciting students.
Pocket cards, removal of terminology, SB 2737 (no 2).
Certificate of registration.
Surety bond with application, SB 2737 (no 2).
Definitions of correspondence education and distance education, SB 2737 (no 2).

PROSTITUTION.
Minor under age of 18.
Commercial sexual exploitation and human trafficking, HB 571 (no 1).

PROTECTION ORDERS.
Domestic abuse orders.
Effectiveness and applicability, SB 2561 (no 3).

PSYCHIATRISTS.
Rural physicians scholarship program.
Psychiatry practice, SB 2524 (no 2).

PUBLIC ASSISTANCE.
Criminal justice reform act.
Opt out of federal restrictions on SNAP eligibility for drug offenders, HB 1352 (no 3).

PUBLIC BUILDINGS.
Energy and lighting efficiency standards.
Extension of provisions, HB 1362 (no 2).

PUBLIC LANDS.
Prohibition on purchase by corporations and nonresident aliens.
Extension of provisions, HB 807 (no 2).

PUBLIC OFFICERS AND EMPLOYEES.
Disabled veterans, definition in relation to state employment preference, SB 2863 (no 2).
Misappropriation or misuse of funds.
Effect of conviction, SB 2237 (no 1).

PUBLIC PURCHASING AND CONTRACTING.
Aircraft, and aircraft maintenance, parts, equipment and/or services.
Determination of commercially reasonable practices for procurement, SB 2918 (no 2).
Energy efficiency services contracts, extension of repealer, SB 2876 (no 2).
Execution of contract pending court ruling on protective order, HB 1204 (no 2).

PUBLIC RECORDS.
Information technology records exempt from disclosure, SB 2046 (no 1).

PUBLIC SAFETY DEPARTMENT.
Office of forensics laboratories to include office of the medical examiner, HB 913 (no 2).

PUBLIC WORKS CONTRACTS.
Cost estimates for projects, requirements, HB 698 (no 3).

R

REAL ESTATE APPRAISERS.
Qualifications for license, SB 2697 (no 2).
Trainee appraisers, SB 2697 (no 2).

REAL ESTATE BROKERS AND SALESPERSONS.
Email notices, HB 1292 (no 2).

REAL ESTATE SALES.
Property owners' associations.
Covenant requiring payment of fee on transfer of real property, HB 962 (no 2).

RETAIL FOOD ESTABLISHMENTS.
Micro markets and vending machines, HB 1206 (no 2).

S

SALES TAXES.
Diversion of revenue collected on business activities within redevelopment projects, SB 2425 (no 2).
Motor vehicles.
Transfer between siblings, exemption, SB 2229 (no 1).

SCHOOLS AND EDUCATION.
Active shooter drills.
  Mississippi school safety act of 2019, HB 1283 (no 3).
Better sight for better learning program.
  Eye screening and examinations of children, HB 1322 (no 2).
Corporal punishment, use of.
  Student with a disability, prohibition, HB 1182 (no 2).
Dyslexia.
  Student loan forgiveness for licensed dyslexia therapists, HB 150 (no 3).
Elections.
  Runoff elections for county boards of education or municipal separate school district board of trustees, HB 654 (no 1).
Employees.
  Bereavement leave for death of family member, HB 572 (no 1).
Juvenile correctional facilities.
  Educational services provided, SB 2449 (no 2).
Mental and behavioral health.
  Mississippi school safety act of 2019, HB 1283 (no 3).
Military members, children of.
  Electronic application for enrollment for pupil whose parent is in state on active military duty, SB 2050 (no 1).
Mississippi school of the arts (MSA).
  Employees, transfer from personnel board to status as employees of MSA, SB 2625 (no 2).
Mississippi school safety act of 2019, HB 1283 (no 3).
School buses.
  Prevention of bus being overtaken when receiving or discharging school children, HB 677 (no 1).
School district superintendent.
  Misappropriation or misuse of funds.
    Effect of conviction, SB 2237 (no 1).
School-to-work transition.
  Industry certifications, provision to department of education, SB 2447 (no 2).
Threat assessment officers.
  Mississippi school safety act of 2019, HB 1283 (no 3).

SELF-STORAGE LIMITED LINE INSURANCE.
Limited license for insurance producer, HB 630 (no 1).

SEX OFFENDERS.
Contact with minors in course of employment or contract services.
  Notice to employer, who provides notice to parent or guardian of minor, SB 2532 (no 2).

SHERIFFS.
Fees, SB 2827 (no 3).

SKIMMERS.
Possession of skimmer with intent to defraud, SB 2445 (no 2).

SMALL BUSINESS AND GROCER INVESTMENT ACT.
Extension of provisions, HB 1132 (no 2).

SOLID WASTE MANAGEMENT.
Extension of contracts in one-year increments without advertising for proposals, HB 1540 (no 2).

SPECIAL EDUCATION.
Juvenile correctional facilities.
  Educational services provided, SB 2449 (no 2).

SPECIAL LIENS ON PROPERTY.
Private project construction bonds, HB 869 (no 2).

SPORTS TEAMS.
Physicians traveling with sports teams for sporting events conducted in state.
  License to practice medicine, exemption from certain requirements, HB 977 (no 2).

STATE BOND COMMISSION.
Variable rate refunding bonds, SB 2604 (no 3).

STATE DEPARTMENTS AND AGENCIES.
Budgets.
  Contractual obligations from prior fiscal year, approval for payment, HB 980 (no 3).
Transfers of state funds, SB 2541 (no 3).

STUDENT LOANS.
Dyslexia therapists, student loan forgiveness, HB 150 (no 3).
William F. Winter teacher forgivable loan program.
  Eligibility of nontraditional licensed teachers, HB 150 (no 3).

SUBSTANCE USE DISORDER.
Nurses.
  Alternative to discipline program for impaired nurses, HB 1519 (no 2).

SURVEYS AND SURVEYORS.
Licensing of professional engineers and land surveyors.
  Two-year renewal period, HB 1288 (no 2).

T

TAX ASSESSORS.
Compensation.
  Completion of certifications, additional compensation, SB 2444 (no 2).

TAX EXEMPT ORGANIZATIONS.
Non-disclosure of personal information of members, supporters, volunteers or donors to public agencies, HB 1205 (no 2).

TEACHERS.
Bereavement leave for death of family member, HB 572 (no 1).
Commission on teacher and administrator education, certification and licensure and development, HB 578 (no 3).
Licensure.
  Controversies regarding licensure, hearings regarding, HB 578 (no 3).
  Probation status of teacher, HB 578 (no 3).
Mental health professional development courses.
  Mississippi school safety act of 2019, HB 1283 (no 3).
Salaries, SB 2770 (no 3).
William F. Winter teacher forgivable loan program.
  Eligibility of nontraditional licensed teachers, HB 150 (no 3).

TELECOMMUNICATIONS.
Caller ID anti-spoofing.
  Violations, SB 2744 (no 3).
Telephone solicitation act, penalties for violations, SB 2821 (no 3).

TEMPORARY ASSISTANCE TO NEEDY FAMILIES.
Reenactment of certain provisions, SB 2133 (no 1).

TERRORISTIC THREATS LAW.
Criminal offense of making terroristic threats, SB 2141 (no 1).

THEFT OF CONSIGNED MOTOR FUELS, HB 940 (no 3).

TOURISM ASSOCIATION MARKETING ADVISORY BOARD, SB 2193 (no 1).

TRANSPORTATION COMMISSION.
Candidates for offices.
  Citizenship requirements, SB 2030 (no 1).
Lease of property in Oxford to department of human services, SB 2810 (no 2).
Sale of state-owned property in Neshoba county, HB 535 (no 1).
Work zones.
  Contractor providing work zone safety operations, HB 580 (no 1).

TRANSPORTATION DEPARTMENT.
Budget estimates and funding allocations.
  Applicability to office of state aid road construction, SB 2947 (no 2).

U

UPHOLSTERED FURNITURE MANUFACTURING FACILITIES.
New cut and sew jobs, tax credit for each new employee, extension of provisions, HB 808 (no 2).

V

VETERANS.
Criminal justice reform act.
  Veterans courts, HB 1352 (no 3).
Disabled veterans, definition in relation to state employment preference, SB 2863 (no 2).
State veterans affairs board.
  Contracting with nongovernmental entities to provide services to state veterans homes, SB 2723 (no 2).
  May be referenced as Mississippi veterans affairs, SB 2839 (no 2).

VISITATION AND PARENTING TIME.
Grandparent visitation, petition for, HB 1096 (no 2).

VULNERABLE PERSONS.
Abuse, neglect, and exploitation of vulnerable persons.
  Intentional infliction of severe mental anguish, felony offense, HB 1075 (no 2).

W

WATER TRANSPORTATION ENTERPRISES.
Job tax credit, HB 1065 (no 3).

WINDSTORM UNDERWRITING ASSOCIATION, HB 444 (no 3).

WORKFORCE INVESTMENT BOARD.
Industry certifications, provision to department of education, SB 2447 (no 2).

WORKFORCE TRAINING AND EDUCATION CONSOLIDATION ACT.
Reenactment of provisions, SB 2133 (no 1).